

20-12-2021

ct no. 13

Sl.22

sp

WPA 16379 of 2021

Momataj Begum

-Versus-

The State of West Bengal & Ors.

(Via Video Conference)

Ms. Anita Khatri

...for the petitioner

Mr. Tapan Kr. Mukherjee, Sr. Adv.,

Mr. Dipankar Das Gupta

...for the State

Mr. Amit Ranjan Pati,

Mr. Sunayan Ghosh

...for the respondent no.7

The private respondent no.7 is represented.

The Pradhan of the Ghorarash Kulin Gram Panchayat, being respondent no.8 has been served by the Officer-in-Charge, Matia Police Station. There is no representation on his behalf.

The private respondent no.7 submits that he has a trade licence and is not required to obtain any permission from the West Bengal Pollution Control Board for running a poultry farm. Reference is made to orders of the Green Tribunal in this regard.

However, the question that goes to the root of the matter is whether the respondent no.7 can set up a poultry farm, which admittedly emits a foul smell and pollution in a purely residential area. No poultry farm can function in a residential area.

In that view of the matter, the B.D.O., under whom the Ghorarash Kulin Gram Panchayat falls, shall within a period of two weeks from date, take and/or order immediate steps, for removal of the said poultry farm.

The B.D.O., shall also enquire as to why the Pradhan of the aforesaid Ghorarash Kulin Gram Panchayat has not caused appearance before this Court as directed and submit a report before the learned District Magistrate, North 24 Parganas.

The possibility of complicity of the Pradhan of the aforesaid Gram Panchayat in allowing the poultry firm for function is not ruled out by this Court.

With the aforesaid observations, the instant writ petition is disposed of.

Affidavit of service shall be filed by the petitioner in course of the day.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)