

Daily List II.
Bpg.

January 29,
2021

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 8795 of 2020

**Rathindra Majumdar and another
Versus
The State of West Bengal and others**

Mr. Anuj Kumar Mishra,
Mr. P. Bag.
...for the petitioners.

Mr. Arjun Ray Mukherjee,
Ms. Debapriya Mitra.
...for the Pollution Control Board.

Ms. Manjuli Chowdhuri,
Ms. Tina Biswas.
...for the proforma respondent no.9.

Learned counsel for the petitioners contends that a power loom has been set up within prohibited limits, that is, at 15 feet from the residence of the petitioners. Counsel relies on the Textile (Development and Regulation) Order, 1992 in that regard.

It is submitted by learned counsel that the petitioners have approached the National Green Tribunal on such score, but such application has not yet been disposed of.

As rightly pointed out by learned counsel for the proforma respondent, passing any order on merits

would tantamount to usurp the jurisdiction of the National Green Tribunal, which has authority in law to decide such matter.

Accordingly, WPA 8795 of 2020 is dismissed as not maintainable, with liberty to the petitioners to prosecute its application before the National Green Tribunal in such regard. This order will not prevent the Tribunal from deciding the matter on its own merits without prejudice by the observations made herein.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)