

27.04.2022.
Court No.13
Item No. 47
ap

W.P.A. No. 1663 of 2020

**Sri Ramapada Gargopadhyay @ Ganguly & Anr.
Versus
The State of West Bengal & Ors.**

Mr. S.S. Arefin,
Mr. M.A. Samad,
Mr. Chandan Bhadury,
Ms. Kaniz Kulsum,
Ms. Nadira Abedin.

...For the petitioners.

Mr. Debasish Ghosh.

...For the State.

Mr. N.C. Bihani,
Ms. Papiya Bihani,
Mr. Soumyajit Ghosh,
Ms. Kshitij Singh.

...For the WBPCB.

Mr. Sandip Chakraborty,
Mr. Koustav Das.

...For the respondent no.9.

Pursuant to the order dated 13th April, 2022, the State and the Pollution Control Board have filed their reports.

It appears from the aforesaid reports that the unit has a consent to establish from the West Bengal Pollution Control Board but has not produced any consent to operate at the time of inspection was conducted. There is a presumption that such consent to operate does not exist.

However, Counsel for the Pollution Control Board submits that the private respondent has been called for hearing pursuant to the writ petitioners' complaint, which is fixed on 11th May, 2022. It is

further submitted that on the said date, the complaint of the petitioners shall be investigated and assessed and enquired into for the purpose of violation of the provisions of the Environment Protection Act.

The petitioners admittedly have not applied for any consent to operate either from the Pollution Control Board.

In that view of the matter, the respondent Pollution Control Board shall take all necessary steps to address the grievances of the writ petitioners and any acts and omissions of the private respondent for running a puffed rice mill without appropriate sanction and clearances.

The Officer-in-charge, Galsi Police Station shall ensure that the private respondent's puffed rice mill does not in any way function and remains closed until formal clearances and licence and other consent is issued by the Pollution Control Board and every other concerned authority under the State as may be applicable.

Counsel for the private respondent also undertakes before this Court not to operate the said puffed rice mill without the aforesaid clearances and licence.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)