

28.09.2022
Court No. 19
Item no.82
CP

W.P.A. No. 4142 of 2022

Ramesh Koley & anr.

Vs.

The State of West Bengal & Ors.

Mr. Ashis Mondal

....for the petitioners.

Ms. Sanghamitra Nandi

Mr. Rajaram Banerjee

....for the State.

Mr. Soumya Mukherjee

.....for the respondent nos. 6 & 7.

Mr. Lutful Haque

Mr. J. K. Ghosh

Mr. G. K. Choudhury

...for the private respondent.

This writ petition has been filed with the allegation that the respondent no. 17 has raised an unauthorized construction in the nature of a poultry farm, in a residential area. Reliance has been placed on a notice issued by the Pradhan, Pancharul Gram Panchayat calling the parties for a hearing with regard to a complaint lodged by the petitioners.

The petitioners submit that the notice itself would indicate that there has been some illegality in the construction work.

Learned advocate for the respondent no. 17 submits that a permission was granted by the gram

panchayat on December 20, 2021, to the wife of the said respondent for construction of a poultry farm for commercial purpose with some specifications. Necessary consent to operate was also granted by the West Bengal Pollution Control Board. Thus, the allegation that the construction has been made without any permission, is not correct.

However, if on a subsequent date, it is found that the construction is in deviation of the permission, the petitioners can raise objections before the concerned panchayat authorities.

The panchayat authorities shall ensure that the operation of the poultry farm does not create nuisance in the area.

The other remedies of the petitioners under the relevant laws are left open to be adjudicated by the appropriate authority. It appears that the other licences and permits from appropriate authorities, have also been obtained.

The permission of the gram panchayat, and the order of the Pollution Control Board, are kept on record.

It is made clear that the construction of the poultry farm shall be as per the permission granted and without any deviation therefrom. The respondent no. 17 and his wife shall also ensure that the business does not create any public nuisance.

The writ petition is disposed of accordingly.

However, there will be no order as to costs.

All the parties are directed to act on the basis
of the server copy of this order.

(Shampa Sarkar, J.)