

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9412 of 2022

Tanushree Saw Mill & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Abhimanyu Banerjee,
Mr. Atanu Ghosh
...for the petitioners

Despite service of a copy of the writ petition as well as notice as regards the matter being mentioned before this Court for hearing, none appears for the respondents when the matter is called on for hearing. Affidavit-of-service filed in Court today be kept on record.

Learned counsel appearing for the petitioners submits that the petitioners have repeatedly approached the West Bengal Pollution Control Board, that is, the respondent no. 2 herein, for consent to operate the petitioners' sawmill, by establishing the same under the Green Category Industries.

However, in spite of sitting tight over the said applications and the representation given by the petitioners to that effect, which is annexed at page 34 (Annexure P-7) of the writ petition, the petitioners' sawmill has been restrained from operating by an order dated February 23, 2022 (Annexure P-6 at page 32 of

the writ petition). It is submitted that on the one hand, the operation of the sawmill of the petitioners is being restrained, while on the other, the Pollution Control Board is not acting on the repeated applications for consent to operate the sawmill made by the petitioners.

Upon hearing learned counsel for the petitioners, it transpires that the petitioners have applied repeatedly, as rightly argued by learned counsel for the petitioners, for consent to operate their sawmill. Lastly, a comprehensive representation to that effect was given by the petitioners on April 28, 2022 to the respondent no. 2.

Hence, W.P.A. No. 9412 of 2022 is disposed of by directing the respondent no. 2 to decide on the representation given by the petitioners, dated April 28, 2022 (Annexure P-7 at page 34 of the writ petition), along with the pending applications of the petitioners for consent to operate the sawmill, as expeditiously as possible, preferably within four weeks from the date of communication of this order to the respondent no. 2.

All parties shall act on the written communication of the learned Advocate for the petitioners, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

It is made clear that such consideration by the respondent no. 2 of the petitioners' representation and

application shall be in accordance with law and, if necessary, upon hearing being given to the petitioners and due inspection being held.

Immediately upon such consideration being over, the respondent no. 2 shall intimate its decision to the petitioners in writing.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)