

11.04.2022
Court No. 19
Item no.11
CP

W.P.A. No. 13130 of 2021

Mukteshwar Kamila & anr.
Versus
The State of West Bengal & ors.

Mr. Manoranjan Jana
Ms. Mitali Jana

...for the petitioners.

Sk. Sahjahan
Mr. K.C. Das

.....for the respondent nos. 7 to 9.

Sk. Md. Galib
Ms. Sujata Ghosh

....for the State.

The report filed by the police authorities is taken on record.

The police authorities have stated that prosecution under Section 107 of the Cr.P.C. has been submitted against respondent nos. 7 to 9.

The petitioners have alleged that some of the local inhabitants who are respondent nos. 7 to 9 in the writ petition have been polluting the area where the petitioners reside, i.e., within Village – Saiyedpur, alongside the Ramnagar-Egra Metal Road at Ramnagar Bazar, under Talgachhari-1 Gram Panchayat. It is alleged that coke ovens, use of open kitchens and spice grinding machines have caused acute environmental hazard and air pollution, by way of emission of carbon.

It has been specifically stated that the respondent nos. 7 to 9 have been running several kitchens and crushing machines from which such pollution is caused.

Having considered the contentions of the petitioners, this court is of the view that the appropriate authority to consider such allegation is the West Bengal Pollution Control Board. The petitioners are at liberty to approach the West Bengal Pollution Control Board, by filing a comprehensive complaint.

If the West Bengal Pollution Control Board does not comply with the order or does not take cognizance of the complaint of the petitioner, then the remedy of the petitioners would be before the learned Green Tribunal.

This court does not pass any order with regard to the allegations made by the petitioners.

This court has not gone into the merits of the claims of the petitioners.

The petitioners can approach the appropriate forum in accordance with law.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)