

June 20, 2022
Sl. No.17
Court No.1
s.biswas

WPA 17410 of 2021

Badsha Rahaman Sk.
vs.
The State of West Bengal and others

Mr. Benazir Shaikh,
Mr. Ibrahim Shaikh, Advocates

... for the petitioner

Mr. Santanu Kr. Mitra,
Mr. Naren Ghosh Dastidar,
Mr. Bipin Kr. Ghosh, Advocates

... for the State

The allegation of the petitioner in this petition is that a brickfield situated at Matari, 91, Faridpur Mouza within Kaliganj Police Station, in the district of Nadia, is running illegally in violation of all the norms.

A perusal of the petition reveals that the petitioner is one of the partners of the firm which is running brickfield and on account of the some dispute relating to profit sharing, he has filed the petition.

Hence, we are of the opinion that in this petition petitioner has raised the personal cause. However, examining the record, we find that there is an allegation in respect of running of the brickfield in violation of the pollution norms.

Learned counsel for the State has pointed out that Consent to Operate (CTO) was granted to the said brickfield for the period from 06.03.2018 to 05.03.2019. The said period is over and that the said brickfield is running in contravention of the provision of law.

Therefore, the BL&LRO, Kaliganj had submitted the report in this regard on 23.02.2022 and had issued closure notice to the concerned brickfield on 18.04.2022. Thereafter on enquiry on 06.05.2022 it was again found that the brickfield is running without any valid documents and norms. Therefore, final closure notice dated 06.05.2022 has been issued by the BL&LRO, Kaliganj and in that notice it has been also mentioned that the brickfield is defaulter of Government royalty and cess.

Having regard to the above circumstances, we deem it proper to dispose of the present petition by directing the respondent No.5 (BL&LRO, Kaliganj) and other concerned official respondents to take expeditious appropriate steps in accordance with law to close down the brickfield if it is running in violation of permissible norms. It is also made clear that the penal action as also recovery of royalties, cess etc. be taken in accordance with law even against the petitioner if he is found liable for the same.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]