

26 22.08.2022

gd/ssd

WPA(P)/339/2022

SRI ANIMESH MONDAL AND ANR.  
VS  
THE STATE OF WEST BENGAL AND ORS.

Mr. Chirantan Sarkar,  
Mr. Niroj Kr. Singh

..for the Petitioners.

Mr. Jahar Lal De,  
Mr. Nilotpal Chatterjee,  
Mr. Debasis Ghosh

..for the State.

Ms. Joyee Maiti

..for the West Bengal Pollution  
Control Board.

Affidavit of service filed by the petitioners is taken on record.

The grievance raised in this public interest petition is that the private respondent no.9 is running a poultry farm at a distance of about 30 meters from the house of the petitioner and other villagers. The residents are suffering due to foul odor and the discharge of waste water from the said poultry farm. It is also alleged that the private respondent is running the poultry farm with forged/fake no objection certificate.

The record reflects that the petitioners had approached the Public Grievance Cell of the West Bengal Pollution Control Board which had duly considered the petitioners' grievance and by the order dated 26.05.2022 had

reached the following:

*“The Block Development Officer, Katwa-II Development Block is informed that any poultry farm i.e. handling above 25,000 (Twenty Five Thousand) birds at a given time in a single location need to obtain Consent to Establish/Consent to Operate of the State Board as per the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981. In this regard, the Central Pollution Control Board has issued a guideline on Poultry Farms in August, 2021 which is enclosed herewith for ready reference. He is requested to oversee the compliance of such guidelines and issue necessary directions to the unit as deemed fit and proper. In case of non-compliance and/or if it is found that the poultry farm is not suitable in that location and creating hazards in the neighborhood, he is at liberty to exercise your good office for taking necessary action against the poultry farm under intimation to the State Board.*

The Officer in Charge, Katwa Police Station, is requested to see that the poultry farm operates after obtaining statutory licenses including valid trade license of the local authority. In case of any violation of this order, he is at liberty to take necessary action in accordance with law.”

If the grievance of the petitioners has not been redressed till now, then appropriate remedy is available to the petitioner is to approach the respondent no.6 i.e. Block Development Officer, Katwa-II for necessary action.

Hence, we dispose of the present petition permitting the petitioners to file the representation before the respondent no.6, who, on receipt of the same, will duly consider it in accordance with law and take appropriate action to redress the petitioners' grievance as expeditiously as possible, preferably within a period three months from the date of receipt of such representation.

The petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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