

September 20, 2022
Sl. No.14
Court No.1
s.biswas

WPA (P) 413 of 2022

Sri Joydeb Das and others

vs.

The State of West Bengal and others

Mr. Satyajit Mondal,
Mr. Amit Bikram Mahata, Advocates

... for the petitioners

Mr. Jaharlal De,
Mr. Nilotpal Chatterjee, Advocates

... for the State

Mr. Kapil Chandra Sahoo,
Mr. Gouranga Kumar Das,
Mr. Kanailal Dutta,
Ms. Swati Mondal, Advocates

... for the respondent Nos.14 & 15

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

The grievance of the petitioners is that the private respondents are running poultry/hatchery business over the land without any licence and by filling up a portion of canal being Plot No.3287, Khatian No.3052 of Mouza-Madhabnagar, Police Station-Pathar Pratima, District-South 24 Parganas. Further allegation of the petitioners is that the private respondents are causing nuisance and pollution in the neighbouring area wherein the school is located.

Learned counsel for the State has submitted that the issue which the petitioners have raised can be duly looked into by the respondent No.2 (The District Magistrate, South 24 Parganas).

We are also of the opinion that the issue, which the petitioners have raised, requires factual inquiry to ascertain the situation on the spot.

Hence, we dispose of the present petition by permitting the petitioner to file an appropriate detailed representation along with supporting material before the respondent No.2, who on receipt of the same will given an opportunity of hearing to the petitioners and get the inspection done, if required and take appropriate decision in accordance with law.

Let this exercise be completed within a period of four months from the date of receipt of a copy of this order.

Since the affidavits have not been exchanged, therefore the allegations made in the petition are not treated to be accepted by the private respondents.

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.)