

19.09.2022

WPA(P) 463 of 2022

**Sk. Mahabat Ali @ Mesbut Ali
Vs.
The State of West Bengal & Ors.**

Mr. Anupam Kumar Bhattacharya
Mr. Sukhendu Banerjee
Mr. Dilip Kumar Mondal
Mr. Mritunjay Saha

... ... for the petitioner

Mr. T. M. Siddiqui
Mr. D. Sahu

... ... for the State

Mr. Tapas Bhattacharya
Mr. M. K. Basar Bulbul
Mr. Kamal Zahiruzzaman

... ... for the respondent nos.11 to 14

In this public interest petition the petitioner has come up with the plea that the private respondents 11 to 14 have set up a cotton yarn twisting factory and in that process they have encroached upon the common passage. Further allegation is that due to the cotton dust coming from the said unit the local residents are suffering and having health problems and breathing issues. According to the petitioner the unit has proved to be a health hazard for the local residents.

When the matter is taken up today, learned counsel for the petitioner has pointed out that the petitioner has already submitted the representation dated 5th September, 2022 (Annexure P-6) to the respondent no.6 pointing out the allegations against the cotton yarn unit.

Learned counsel for the State though has submitted that after filing the representation the

petitioner ought to have waited for some time but he has fairly submitted that there is no objection in considering the petitioner's representation in accordance with law.

Hence, we dispose of the present petition directing the respondent no.6 to duly consider the petitioner's representation in accordance with law after giving an opportunity of hearing to the petitioner, private respondents herein and all the concerned parties.

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

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)