

March 13, 2023
Sl. No.46
Court No.1
s.biswas

WPA (P) 86 of 2023
Masibul Sk and others
vs.
The State of West Bengal and others

Mr. Sayan De,
Mr. Kaustuv Shome,
Mr. Sayan Kanjilal, Advocates
... for the petitioners
Mr. Jahar Lal De,
Mr. Rudranil Dey, Advocates
... for the State
Mr. Pinaki Ranjan Chakraborti, Advocate
... for the respondent Nos.9 to 12
Mr. Bhagbat Chaudhuri,
Mr. Mahabub Asfakul Zinna, Advocates
... for the respondent No.13

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

In this public interest petition the allegation of the petitioners is that the private respondents are illegally running the brick kiln under the name and style of “New Moni Brick Field” previously known as “Sona Brick Field”, in contravention of the provision of law.

Submission of learned counsel for the petitioners is that brick kiln has been set up in an alluvial land within 50 meters of riverbank and there is a primary school situated within one kilometer of the brick kiln, which is not permissible.

It has been pointed out that the petitioners have already made a representation dated 27th February, 2023 to the respondent No.3 (the District Magistrate, Nadia).

Submission of learned counsel for the private respondents is that in terms of the guidelines issued on 27.10.2016 the regularization of the brick kiln has been done by a committee and that the brick kiln is operating by following the norms.

Since the allegation made in the petition is factual in nature which can be appropriately enquired into by the respondent No.3, therefore we deem it proper to dispose of the petition by directing the respondent No.3 to duly consider the petitioners' representation dated 27th February, 2023 in accordance with law after giving an opportunity of hearing to all the concerned parties.

It will be open to the respondent No.3 to conduct an enquiry if required and also to direct any other competent authority to take action in accordance with law on the basis of conclusion arrived at in the enquiry.

Let this exercise be completed within 3 months from the date of receipt of the copy of this order.

Petitioners are directed to submit another copy of the representation along with the copy of this order to the respondent No.3.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)