

ML 170
25.04.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 4999 of 2022

**Birendra Prasad Chowdhury
-versus
West Bengal Pollution Control Board & Ors.**

**Mr. Sardar Amjad Ali, Sr. Adv.,
Mr. Masum Ali Sardar.
...For the Petitioner.**

**Mr. Kishore Mukherjee,
Mr. Ahitagni Dey.
...For the Private Respondents.**

The petitioner is aggrieved by the inaction on the part of the Rampurhat Municipality to take steps against the respondent no.5 for running the business of grinding wheat and spices without obtaining license from the Municipality and permission from the West Bengal Pollution Control Board.

Learned advocate appearing for the private respondent no. 5, Sukumar Kar produces copy of the Certificate of Enlistment issued by the Rampurhat Municipality and copy of the order passed by the West Bengal Pollution Control Board mentioning that the wheat grinding activity falls under the 'Exempted' category and does not require any permission of the State Board.

The Board has submitted "Consent to Establish" (NOC) of the State Board obtained from the DIC, Birbhum for the activity of flour mill in dry process.

Upon perusal of the documents produce before this Court, the Court is prima facie satisfied that the private respondent has a license from the Municipality to run the business and he is not required to obtain any further NOC from the West Bengal Pollution Control Board for running the business of dry wheat.

Learned advocate for the private respondent submits that only the dry wheat grinding business is running and not spice grinding.

As the allegation of the petitioner remains unsubstantiated, accordingly, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

However, dismissal of the writ petition will not stand in the way of the Municipality to take steps in the event it later transpires that the business is running contrary to the provisions of law.

Documents produce by the private respondent be taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)