

10.04.2023
Item No.8
gd/ssd

WPA(P)/153/2023

HANIF ANSARI AND ANOTHER
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Jahar Lal De,
Mr. Supratim Dhar

... for the State.

1. We have heard learned Advocate appearing for the State respondent.

2. The petitioners oppose the construction of electric crematorium at Kaliganj under P.S.-Jalangi in the district of Murshidabad.

3. From the written instructions given by the Officer-in-Charge of Jalangi P.S., Murshidabad dated 09.04.2023 addressed to the learned counsel for the State it is seen that the crematorium called Kaliganj Samsan on the banks of river Sialmari in Village – Kaliganj has been inexistence approximately for 136 years. It appears that a request was made to the Block Development Officer to set up an electric crematorium at the existing samsan and considering that construction work was started. The Officer-in-Charge of Jalangi Police Station states that the members of the particular community are very much

worried of the fact that the dead bodies to the crematorium will be very huge in number as no electric crematorium is situated within the radius of 45 kilometers and moreover, the conventional crematorium being in a congested area would cause a lot of inconvenience. A representation has been submitted on 20th February, 2023 to the Block Development Officer and it appears that several persons have signed the representation.

4. Considering the concern expressed in the writ petition, we direct the 2nd respondent, namely, the District Magistrate, Murshidabad to consider the representation dated 20th February, 2023 which has been received by the BDO, Jalangi who is directed to place the representation along with all the connected files for consideration of the District Magistrate. The 2nd respondent shall direct an inspection to be done of the area and if necessary, invite the views of the public and also take note of the aspects regarding whether establishing the electric crematorium in the area will cause any pollution in the area for which the District Environmental Engineer or any other officer of the West Bengal Pollution Control Board in-charge of the area can be consulted and thereafter a reasoned decision be taken on merits and in accordance with law.

5. This direction shall be complied within a period of three weeks.

6. With the above direction, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)