

AD-16
Ct No.09
21.06.2023
TN

WPA No. 14232 of 2023

Ataur Rahman
Vs.
The State of West Bengal and others

Mr. Manas Kr. Barman,
Ms. Bina Baidya
.... for the petitioner

Mr. Asish Kumar Guha,
Mr. Rajdendra Chaturvedi
.... for the State

Mr. M. I. A Lodhi,
Mr. Sk. Aptabuddin
.... for the respondent no. 9

Affidavit-of-service filed today be kept on record.

The grievance of the petitioner is limited but serious. The petitioner contends that the petitioner himself is suffering from insomnia and resultant amnesia. Even the petitioner's elderly mother and minor children, one of whom is a suckling baby, are suffering from breathing problems due to the alleged pollution created by the private respondents, who have been running heavy machineries, including lamination machines, punching machines, cutting machines and other machineries which create unbearable sound and vibration, damaging the structure of the residential building as well as endangering human life and property.

Such contentions are disputed by learned counsel appearing for the private respondents.

Upon hearing learned counsel for the parties, it is seen that sufficient documents have been annexed to the writ petition to indicate the *prima facie* urgency of the issue raised by the petitioner on the question of whether the private respondents are creating pollution to such an extent that the inhabitants of the property and the neighbours are suffering seriously therefor.

Since the petitioner has already made several representations to the Pollution Control authorities, who are respondents herein, it would be appropriate for the ends of justice if the respondent-authorities consider and dispose of the said representations and take remedial steps thereafter, if it is found that the private respondents are violating laws relating to Environment and Pollution.

Accordingly, WPA No. 14232 of 2023 is disposed of by directing the respondent-authorities, in particular, respondent nos. 2, 3, 4 and 7, to consider and dispose of the representations given by the petitioner and annexed to the present writ petition and to decide the issue as to whether the private respondents are creating serious pollution in violation of any law whatsoever. Such exercise shall be completed in accordance with law and upon giving

opportunity of hearing to the petitioner as well as the private respondents as expeditiously as possible, positively within four weeks from date. Immediately thereafter, in the event the respondent-authorities are of the *prima facie* opinion that pollution is being created to such an extent that any law is being violated by the private respondents, the respondent-authorities shall, immediately thereafter, take remedial and adequate measures as sanctioned by law to redress such issue. In any event, the respondents shall communicate the decision arrived at by them to the petitioner as well as the private respondents within a week from the date of passing such necessary orders.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)