

25.07.2023

Item No 5

Ct. No.1

PG

W.P.A.(P) 357 of 2023

Tanushree Hazra

Vs.

The State of West Bengal & Ors.

Mr. Niladri Sekhar Ghosh

Ms. Sompurna Chatterjee

Mr. Sourav Mondal

.....for the Petitioner

Mr. Somnath Ganguli, Ld. A.G.P.

Mr. Sukanta Seal

.....for the State

Mr. Atis Kumar Biswas

Mr. Suman Chakraborty

.....for the Respondent No.15

1. By this writ petition, the petitioner has highlighted as to how the private respondents, who are rice mills, are discharging toxic effluents into a drain. Earlier the rice mills are alleged to have been discharging the toxic effluents into a river and based upon complaints, the West Bengal Pollution Control Board had taken action and issued orders for closure.
2. The petitioner has enclosed the copies of such orders in the writ petition. The further allegation is that a drain has been dug along the Highway and the toxic wastes and water are littered into the drain.

3. The learned advocate appearing for the 15th respondent/ rice mills submitted that the submission of the petitioner is factually incorrect and the drain has been closed. In this regard, a photograph has been placed before this Court.
4. Be that as it may, as long as the order of closure passed by the Pollution Control Board has not been revoked, altered or modified, the private respondents/ rice mills are not entitled to carry on their operation. It is not clear as to why the Pollution Control Board has not made any further inspection in the matter. Therefore, there will be a direction to the appropriate authority of the West Bengal Pollution Control Board to immediately conduct a surprise inspection of all the respondents/ rice mills and if it is found that despite the order of closure or in non-compliance with any of the directions issued by the Pollution Control Board, the rice mills are operating, action should be immediately taken against those rice mills. In the event, the rice mills comply with the directions by establishing the appropriate effluent treatment plant and after complying with the other conditions, then only the Pollution Control Board will be entitled to permit those rice mills to carry on their business.

5. The surprise inspection shall be carried on not later than 10 days from the date of receipt of server copy of this order.
6. The learned advocate appearing for the respondent/State submitted that there was a drain along the National Highway, which was a kucchha drain, which has now been repaired by the West Bengal Highways Development Corporation Limited and in this regard, a report of the Project Director dated 20th July, 2023 has been filed.
7. The learned advocate for the petitioner submitted that the drain is posing as a hazard and three people have lost their lives by falling into the drain. This aspect shall be noted by the West Bengal Highways Development Corporation Limited and the safety of the general public of the area shall be taken care of.
8. With the above observations/directions, the writ petition stands disposed of.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)