

**31.07.2023**

Item No.3

Ct. No.1

PG/KS

**W.P.A.(P) 365 of 2023**

**Goutam Malik**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Debasis Sur  
Mrs. Sikha P. Chowdhury  
Mr. Goutam Sardar  
Mr. Anujit Maity  
Mr. Manabendranath Bandyopadhyay  
Ms. Sarama Maity

.....for the Petitioner

Mr. Samrat Sen, Ld. AAAG  
Mr. Saikat Chatterjee  
Ms. Manali Ali

.....for the State

Mr. Sayan Sinha  
Mr. Adil Naser

.....for the Respondent No.10

1. This public interest writ petition seeks for a direction upon the respondents to take note of the complaint given by the petitioner dated 6<sup>th</sup> June, 2023 and to take necessary steps with regard to restoration of the water body adjacent and surrounding Platform No.4, Baruipur Railway Station, Eastern Railway.
2. From the documents filed along with the writ petition, we find that it is not disputed that there has been partial closing of the water body by

dumping of garbage. The Divisional Engineer, Eastern Railway, Sealdah by communication dated 2<sup>nd</sup> January, 2023 has addressed the Convenor of Baruipur Jalasay Banchao Committee for the cleaning/maintenance of the water body surrounding Platform No.4, Baruipur Railway Station, Eastern Railway and removal of the garbage from backside of the platform shed at Platform No.4, Baruipur Railway Station, Eastern Railway to make it pollution free. There have been subsequent communications to the same effect but the fact remains is that the garbage, which was dumped has not been removed. We are informed, the Committee does not have a statutory backing nor it appears that the Committee has been allotted funds by the Government for carrying out any cleaning/maintenance operation.

3. Therefore, the job of cleaning/maintaining the place in an appropriate manner should be entrusted with the Eastern Railway with the cooperation of the officials of the concerned district. In order to effectively implement the same, we direct that a joint inspection be conducted by the officers of the 6<sup>th</sup> and 7<sup>th</sup> respondent as well as the officers of the District Magistrate, South 24 Parganas and the

concerned Block Development Officer as well as in the presence of the officials from the Pollution Control Board and the local municipality.

4. The joint inspection shall be conducted within a period of three weeks from the date of receipt of server copy of this order. Thereafter, the exact area, which has to be cleared has to be identified and the Eastern Railway are empowered to effect the cleaning/maintenance operations. In case any private organization is responsible for the dumping of garbage, action should be initiated by the District Magistrate, South 24 Parganas against those private agencies so that the cost of removal of the garbage and cleaning/maintenance of the place can be recovered from the said private organization(s). The cleaning/maintenance operation be completed within a period of two months from the date on which the joint inspection is conducted.
5. With the above observations/directions, the writ petition stands disposed of.
6. No costs.
7. 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.)**