

26.09.2023

Sl no. 46

Ct no. 2

P.M.

WPA 17698 OF 2023

Masuda Brick Field

- Vs -

The State of West Bengal & Ors.

Mr. Rajib Kumar Basu

... for the petitioner

Mr. N. C. Bihani,

Mr. Soumya Mukherjee

... for the West Bengal Pollution
Control Board

Sk. Md. Galib,

Ms. Jyotsna Ray Mukherjee

... for the State

Heard learned advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned show-cause notice dated 11th December, 2021 for closure of brickfield in question in the name of Masuda Brick Field and imposing penalty of Rs. 9 lakhs as environmental compensation.

Learned advocate appearing for the respondent Pollution Control Board submits that the aforesaid impugned order dated 11th December, 2021 was placed by the State Pollution Control Board before the National Green Tribunal and which has been upheld by the National Green Tribunal by holding that the illegal business of brickfield was being carried over the plot in question and such

subsequent order of the National Green Tribunal dated 22nd December, 2021 has been merged with the order of the State Pollution Control Board dated 11th December, 2021 and is not the subject matter of challenge in this writ petition.

Petitioner submits that petitioner is not a party in the proceeding before the National Green Tribunal as such the said order is not binding upon him.

Learned advocate for the State respondent submits that pursuant to the aforesaid order of the National Green Tribunal, Inspector in Charge of the jurisdictional Police Station had inspected the premises and found that in spite of the impugned order of closure of the business of brick field, it is still being carried out and against the same FIR has been lodged against the person concerned and even the charge-sheet has already been filed and further recovery proceeding has already been initiated by the tax recovery officer and petitioner is participating in the said proceeding.

Considering the facts and circumstances of this case and submission of the parties I find no merit in this writ petition and accordingly this writ petition being WPA 17968 of 2023 is dismissed.

However, dismissal of this writ petition will not be a bar on the part of the petitioner to avail any remedy before any forum if law permits.

(Md. Nizamuddin, J.)