

08.08.2023
Item No.8
gd/ssd

WPA(P)/412/2023
SK. MAHABAT ALI @ SK. MESBOT ALI
VS
STATE OF WEST BENGAL AND ORS.

Mr. Uday Sankar Bhattacharya,
Mr. Anupam Kr. Bhattacharya,
Mr. Dilip Kr. Mandal,
Mr. Mrityunjay Saha
..for the Petitioner.

Mr. Usuf,
Mr. Supratim Dhar
..for the State.

Mr. Arjun Ray Mukherjee
..for the Respondent No.5.

Mr. Tapas Bhattacharya,
Md. K. Basar Bulbul
..for the Respondent Nos.11 to 14.

1. By this public interest writ petition the petitioner seeks for setting aside the order passed by the District Magistrate pursuant to the direction issued by the Division Bench in WPA(P) 463 of 2022 dated 19.09.2022 and to direct the Pollution Control Board to conduct a fresh inspection of unit which is established by the private respondents for spinning of a cotton yarn on the alleged ground that it is causing air pollution.

2. The District Magistrate in terms of the order passed by the earlier writ petition given a hearing to the parties, namely, the petitioner as well as the private respondents and has passed a detailed order in which

it has been brought out that there is a private dispute between the petitioner and the private respondents.

3. Be that as it may, with regard to the allegation of the pollution made against the private respondents, the District Magistrate has referred to the inspection report submitted by the Assistant Environmental Engineer who has clearly stated that the unit which is operated by the private respondents is a green category unit and there is no feasible emission during the inspection and there may be chances of escaping fiber cotton fines through the gap/opening and certain measures directed to be taken by the private respondents. The Assistant Environmental Engineer, Hooghly has to ensure that the measures suggested by the Assistant Environmental Engineer in its inspection report dated 21.12.2022 is scrupulously adhered to by the private respondents.

4. The learned advocate appearing for the private respondents submitted that the private respondents had also filed a representation against the writ petitioner on the ground that he has put up illegal construction without obtaining sanctioned plan and is operating a plastic industry without obtaining any consent from the Pollution Control Board.

5. In this regard the District Magistrate had passed an order which has not been appended in this writ petition.

6. However, from the reading of the order it is seen that the District Magistrate has rendered a clear finding that the writ petitioner has put up unauthorised construction and operating a plastic industry without obtaining any consent from the Pollution Control Board.

7. Thus, we are of the clear view that the cause brought about by the writ petitioner cannot be treated to be a genuine public interest petition and no relief can be granted to the petitioner in this writ petition.

8. Accordingly, the writ petition is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)