

January 10, 2023
Sl. No.27
Court No.1
s.biswas

WPA (P) 513 of 2022

Rafik Ali Kha @ Rafikul Khan
vs.
The State of West Bengal and others

Mr. Satyendra Agrawal,
Mr. Tarak Nath Sarkar,
Mr. Bijoy Bag, Advocates

... for the petitioner

Mr. Amitesh Banerjee, Id. Sr. St. Counsel
Mr. Tarak Karan, Advocate

... for the State

Mr. Soumya Mukherjee, Advocate

... for the WBPCB

In this public interest petition, the issue raised by the petitioner is that the private respondents have set up a poultry farm and a chicken shop without permission and the said activity is causing nuisance and pollution.

Learned counsel for the State has informed that trade licence exists in favour of the private respondents.

It has been pointed out that the representation dated 11.04.2022 was filed *inter alia* before the respondent No.5 (The Chairman, West Bengal Pollution Control Board), but no action has been taken till now.

Having regard to the nature of issue which is raised by the petitioner, we are of the opinion that the respondent No.5 should consider the grievance of the petitioner raised in the representation in the form of legal notice.

Hence, we dispose of the present petition by directing the respondent No.5 to duly consider the representation dated 11.04.2022 in accordance with law after giving an opportunity of hearing to all the concerned parties.

Let this exercise be completed within a period of three months from the date of receipt of the copy of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)