

09.10.2023
Item No.2
gd/ssd

WPA(P)/528/2023
SWAPAN DAS
VS
STATE OF WEST BENGAL & ORS.

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal
..for the Petitioner.

Mr. Samrat Sen, learned AAAG,
Mr. Arindam Mondal,
Ms. Manali Ali
..for the State.

Mr. Arkaprabho Roy,
Ms. Taradebi Biswas
..for the Respondent Nos.12 and 13.

1. By way of public interest litigation the petitioner is alleging that the private respondents, namely, respondent nos.12 and 13 are illegally and unauthorisedly running a paddy processing boiler unit causing health hazard in the locality on account of discharge from the said processing unit.

2. The learned AAAG appearing for the State respondent would submit that the grievance expressed by the writ petitioner ought to be agitated before the National Green Tribunal.

3. In any event, since there is an allegation that the paddy processing boiler unit is causing health hazard in the locality, we would direct the District Magistrate, Nadia, Krishnagar to consider the representation given by the petitioner and direct one of

its officers to conduct a surprise inspection of the unit and if any illegality is found, appropriate action may be taken in accordance with law. If in the opinion of the District Magistrate the matter has to be dealt with by the Pollution Control Board, it will be open to the District Magistrate to make necessary orders so that the Pollution Control Board can also take action.

4. In order to facilitate the above direction, the petitioner is directed to submit copies of all the representations given earlier including the representation dated 21.08.2023 along with the copy of this order and submit the same in person in the office of the District Magistrate, Nadia, Krishnagar.

5. On receipt of the same, the District Magistrate shall take appropriate action in terms of the above direction within a period of eight weeks from the date of receipt of the representation. The copy of the order to be passed by the District Magistrate shall be communicated to the writ petitioner.

6. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)