

22.02.2024
Item No.18
RP/AN
Ct. No.1

WPA (P) 63 of 2024

**Dr. Sankar Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Nilanjan Bhattacharjee
Mr. Sukanta Chakraborty
Mr. Arpan Guha

.....for the Petitioner

Mr. Jayanta Kumar Mitra, Sr. Adv.
Mr. Ranjan Bachawat, Sr. Adv.
Mr. S. Sen
Mr. Sourav Ghosh
Mr. Bhavesh Garodia

.....for the Respondent No.12

Mr. Anirban Ray, Ld. G.P.
Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag

.....for State

Mr. Dhiraj Trivedi, Ld. DSGI
Mr. Amit Sharma

..... for Respondent No.4

1. By this public interest litigation the petitioner alleges that the 12th respondent by violating the norms is promoting a housing project within the eco-sensitive zone. In this regard the allegation made by the writ petition is denied by the 12th respondent, who is represented by Mr. Mitra, learned senior advocate. It is further submitted that the project commenced two years back after getting approval from the statutory authority and substantial progress has been made and at this juncture a representation has been filed making certain allegations, which are being denied by the 12th respondent. In any event, the representation given by the petitioner, who is a member of the legislative assembly, is pending consideration

before the authority. Therefore, at this juncture, it would be appropriate for the concerned authority to first look into the representation, conduct an inspection of the area and thereafter pass a reasoned order and after which it will be well open to the petitioner to work out his remedy in accordance with law. Therefore, without going into the merits of the allegations made by the petitioner, we direct the State Level Environment Impact Assessment Authority to consider the representation given by the petitioner, conduct an inspection of the area after giving notice to the petitioner as well as the 12th respondent, afford an opportunity of hearing to the petitioner as well as the 12th respondent and thereafter proceed to pass a reasoned order.

2. The petitioner is directed to forward a copy of the representation along with all relevant documents and a copy of this order to the State Level Environment Impact Assessment Authority within two weeks from the date of receipt of the server copy of this order and thereafter the authority shall proceed to implement the direction issued above within the period of three weeks therefrom.
3. With the aforesaid directions, this writ petition is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)