

04 14.03.2024
AN Ct. No. 01
RP

WPA(P) 87 of 2024

Ankur Sharma
Vs.
State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Badrul Karim
Ms. Kiron Sk.
Ms. Indrani Roy
Ms. Suparna Dutta

... for the petitioner

Mr. Samrat Sen, Id. AAAG
Mr. Manali Ali

... for the State

Mr. Supriyo Chattopadhyay
Ms. Debosri Chatterjee

... for the WBSEDCL

Mr. Soumya Mukherjee

... for the WBPCB

1. By this writ petition styled as a Public Interest Litigation, the writ petitioner seeks for implementation of the order of closure passed by the West Bengal Pollution Control Board dated 30.11.2023. Learned counsel appearing for the West Bengal Pollution Control Board submitted that pursuant to the complaint lodged by the petitioner on 24.07.2023 notice was issued to the offending party viz. the 11th respondent as well as the writ petitioner, parties were heard and the Pollution Control Board passed an order of closure on 30.11.2023.

2. Learned counsel appearing for the Electricity Board submitted that in terms of the directions issued by the Pollution Control Board the electricity connection has been disconnected. Thus, as on date, the 11th respondent

cannot operate the unit as the order of closure continues to remain in force. However, the Court is conscious of the fact that under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, the offending party has remedy against the order of closure. Therefore, such a remedy cannot be foreclosed by this Court at this juncture. However, as long as the order of closure remains in force, the Pollution Control Board shall ensure that the same is not violated in any manner and no third party interest is created in respect of the said industry. In the event, the industry approaches the Pollution Control Board or the appellate authority under the aforementioned statutory provisions, then the writ petitioner shall be issued notice and the writ petitioner shall be heard by the Pollution Control Board before any order is passed on such a prayer made for revocation of the order of closure. If, ultimately, the order of closure attains finality, the authorities shall take appropriate steps on merits and in accordance with law with regard to the reclamation of the property in question.

3. In the result, the writ petition stands **disposed of.**

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)

