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AN
RP

09.05.2024
Ct. No. 01

WPA(P) 155 of 2024

Satyanarjan Sasmal & ors.
Vs.
State of West Bengal & Ors.

Mr. Shibaji Kumar Das
Mr. Bushra Firoz

... for the petitioners

Mr. Jahar Lal De, ld. A.G.P.
Mr. Supratim Dhar

... for the State

Ms. Sonal Sinha
Ms. Shabnam Farooqui
Ms. Srabasti Barai

... for the W.B.P.C.B.

Mr. Bharat Ch. Simai

... for private respondents

1. We have heard learned counsel for the respective parties at length.

2. In terms of the directions issued in an earlier writ petition in WPA 183 of 2023 dated 01.05.2023, the 7th respondent therein was directed to take further steps pursuant to the advice given by the West Bengal Pollution Control Board by Memo dated 30.05.2022 after issuing the private respondents a notice and conduct an inspection of the area and thereafter pass orders on merits and in accordance with law. In terms of the said directions, the B.D.O., Egra-I Development Block submitted a report to the West Bengal Pollution Control Board dated 21.12.2023 pointing out that the pollution has been caused in the concerned area, pursuant to that the West Bengal Pollution Control Board has conducted an inspection on 03.05.2024

and has directed the private respondents to comply with the following five matters which are as follows:

- a) To provide proper boundary walls at all the sides of the storage yard.
- b) To take proper measures for abatement of dust pollution.
- c) To plant trees along the periphery of the stockyard as well as loading/unloading area.
- d) All care to be taken during Loading/unloading activity and these loading and unloading activities should be done within an area covered by plastic or tarpaulin sheet.
- e) To cover heap of stone chips and sand with tarpaulin sheet.

The private respondents have been given 15 days time to submit the compliance report. One of the directions given is to put up a boundary wall at all sides of the storage yard. This cannot be obviously done within 15 days.

3. Therefore, we direct the West Bengal Pollution Control Board to immediately direct the closure of the unit and direct them to comply with all the directions given in the letter dated 06.05.2024 and upon compliance report being submitted, the Environmental Engineer, Haldia Regional Office, West Bengal Pollution Control Board shall cause an inspection and upon satisfactory compliance of all the directions issued, appropriate orders shall be passed by

the Board. In the event, the compliance is not to the full satisfaction of the Board, the closure order shall continue. In the event, the private respondents comply with the directions issued, then the West Bengal Pollution Control Board shall cause frequent surprise inspections so that the directions issued are scrupulously followed.

4. Apart from that what is more important is that if there is no licence issued to these units by the appropriate authority, then their operations are wholly illegal and the order of permanent closure has to be passed until they obtain licence in accordance with law.

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

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)