

11.07.2024
Item No.9
PG/KS
Ct. No.1

W.P.A.(P) 257 of 2024

**Md. Golab Hossain & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Mohinoor Rahaman
Ms. Maria Rahaman
Ms. Iqra Rahaman.....for the petitioners

Mr. Dhiraj Trivedi, Ld. DSGI
Mr. Pradyat Saha.....for the Union of India

Mr. Ashim Kr. Datta
Mr. Imdadul Biswas.....for the respondent no. 6

Mr. Omar Faruk Gazifor the respondent no. 9

Ms. Sonal Sinha
Ms. Shabnam Farooqui.....for the respondent no. 10

1. The petitioners by way of filing this public interest litigation allege that the respondent no. 9 is illegally running a factory for manufacturing the vessels in a land, which was allotted for the Farakka Barrage project. In this regard representations were given and since no action was taken, the writ petition was filed.
2. Pursuant to the leave granted by this Court, West Bengal Pollution Control Board has been added as the 10th respondent.
3. The learned advocate appearing for the Pradhan viz. the 6th respondent, on instruction, submitted that initially no objection certificate was granted in favour of the 9th respondent to establish a factory but subsequently, on verification, it was found that no objection certificate

could not have been granted to run the factory in the particular land. In this regard, the learned advocate has referred to the revenue records to show that it is a homestead land and no industrial activity can be carried out. It is submitted that the no objection certificate, which was granted, has been cancelled by the Pradhan.

4. If that be the case, automatically, any permission, which has been obtained from the Pollution Control Board also deemed to have stand revoked.
5. Therefore, the only option available to the 9th respondent is to shift the factory to an unobjectionable place, where such industrial activity is permitted. Accordingly, the writ petition is disposed of and the 4th, 5th and 6th respondent are directed to issue notice to the 9th respondent to shift the factory premises within 15 days and in the meantime, direct all operations to be stopped.
6. The authority of the Pollution Control Board shall also conduct a surprise inspection of the place and ensure that no industrial activity or manufacturing activity is carried on by the 9th respondent in the land in question.
7. The 9th respondent is always at liberty to locate a different unobjectionable site seeking permission from the appropriate authority and thereafter commence his project.

8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)