

11-03-2024
Item No.2
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.15349 of 2023
Arumoy Misra
-vs-
The State of West Bengal & Ors.

Mr. Dhananjay Nayak ...for the petitioner

Mr. Lalit Mohan Mahahta, AGP
Mr. Rudranil De ...for the State

Mr. Gopal Chandra Das
Ms. Ananya Das ...for the municipality

Ms. M. Maity ...for the private respondent

The petitioner complains that the private respondent and the Tamralipta Municipality both are discharging foul and toxic water in the water body of the petitioner as a result of which the fishes in the pond are dying. He claims to have made several representations before the police and the municipality and that the latest representation has been made in the year 2024 after filing this instant writ petition.

Learned advocate representing the private respondent denies the allegation and submits that there is a private dispute in between the parties and that the private respondent also made a representation before the municipality which is alleged to be kept pending.

Learned advocate representing the municipality does not have any instructions as to whether any dirty or foul water is discharged in the private pond of the petitioner as alleged.

Upon hearing learned advocates for the respective parties and upon perusal of the documents placed before me, I direct the municipality to take into consideration the respective representations filed by the respective parties in accordance with law at the earliest, but positively within a period of six weeks from the date of communication of this order.

The municipality may conduct a spot inspection upon prior notice to both the parties to ascertain as to whether any foul and dirty water is being discharged in the private water body of the petitioner.

If the allegation made by the petitioner is found to be proper, then remedial measure shall be taken in accordance with law.

WPA No.15349 of 2023 stands disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

