

11.09.2024
Sl. No.62(ML)
srm

W.P.A. No. 16333 of 2024

Raju Ghosh

Versus

The State of West Bengal & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Abhirup Halder,
Mr. Anirban Saha Ray

...for the Petitioner.

Mr. Anirban Ray, Id. GP
Mr. Tanoy Chakraborty,
Mr. S. Nag

...for the State-respondents.

Mr. Soumya Mukherjee

...for the WBPCB.

Mr. Manabendranath Bandyopadhyay

...for the Respondent Nos.10 to 17.

1. Affidavit-of-service is taken record.
2. As the petitioner has already filed a suit before the learned Civil Judge (Junior Division), 2nd Court, Hooghly at Chinsurah, being Title Suit No.75 of 2023, the prayer of the petitioner to restrain the respondent Nos.10 to 17 or any of them, who are defendants in the suit from running the alleged poultry farm, can be made in the suit itself.
3. Learned Advocate for the West Bengal Pollution Control Board submits that a consent to operate is required only if a

poultry farm has 5000 and above birds, in a single location. In this case there is no information as yet, that more than 5000 birds are being kept in the alleged poultry firm.

4. Under such circumstances, the petitioner's remedy is before the civil court.
5. Learned advocate for the respondent Nos.10 to 17 submits that the poultry farm is running with a trade licence and there are adequate compliances.
6. The steps taken by the Pollution Control Board pursuant to the petitioner's application will continue and be completed within three months.
7. The writ petition is, thus, disposed of.
8. There shall be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)