

04.07.2024  
Item No.6  
gd/ssd

WPA(P)/355/2023

SUKHENDU BIKASH MONDAL  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Swagata Dutta,  
Ms. Ankita Dey

..for the Petitioner.

Mr. Amal Kr. Sen,  
Mr. Santanu Mitra,  
Mr. Lal Mohan Basu

..for the State.

Mr. Anujit Mookherji,  
Mr. Amit Kr. Ghosh,  
Mr. Prithish Chandra

..for the Respondent No.15.

1. By way of this public interest petition the petitioner seeks for various prayers, the first of which is to restrict the plying of heavy vehicles in a village road.

2. It is stated that there are several mines and stones crushing units operated at Salbadra area and heavy vehicles of stone crushing units and the mines which are alleged to be illegal are plying in the village road of 19 Kilometers which passes through 44 villages from Thakurpura to Amba (Fatepur) connecting National Highway 60 (from Amba to Salbadra) known as Thakurpura Amba Road within Mayureswar Block-I, Rampurhat area in District – Birbhum. It is stated that the said Thakurpura Amba road connects 44 villages

and also bifurcated by Railway track in which daily 100 to 106 trains passed through the lines. The road from Thakurpura (Salbadra) to Kastogra (13.5 Kilometers) is under Birbhum Zilla Parishad and from Kastogra to Fatehpur (Amba) (5.5 Kilometers) is under Public Works Department of the Government of West Bengal. It is further stated that on the road side there are 11 schools including Primary, Secondary, Higher Secondary and Girls School and an average about 4000 students travel through the road to go to their schools. Further, it is stated that there are four Hospitals and approximately 1000 people come to the Hospitals for treatment on a daily basis. There are also several markets and shopping areas in either side of the village road where approximately 10,000 people travel for a day. It is stated that the capacity of the road has been fixed on 10 tons. However, the heavy vehicles carry much more than that and throughout the day the traffic is unabated causing lot of nuisance to the public of all the villages.

2. On an earlier occasion the petitioner had approached this court expressing a similar grievance in WP 33265(W) of 2014 which was disposed of on 15.04.2016.

3. In the said writ petition affidavit-in-opposition was filed by the respondents and the court observed that the petitioner cannot be found fault with

to have an ideal environment to live but it may not be practically possible under many situations. The court also took note of as to whether there is an alternative road. Ultimately the writ petition was disposed of by giving liberty to the petitioner to submit representation putting forth his grievance. The operative part of the order reads as follows:

“If it poses a danger to the general public if such heavy vehicles are allowed to pass through the village areas within whose jurisdiction the petitioner is living may have to approach the local authority indicating the difficulties and problems faced by them to seek relief of avoidance of the village roads by formation of a new by-pass, if possible by the authorities concerned.

Since this is not a bypass road where there can be total avoidance of the village road to be used, we are at loss to understand how we can stop vehicles passing through the villages. At the most, the respondent authorities may consider restricting the movement of vehicles at particular hours when these roads are used most by the students and other public.

With these directions, we dispose of the writ petition reserving liberty to the petitioner to submit a representation putting forth their grievances and the same shall be considered with reasonableness by the respondent authorities.”

4. It appears that no such representation to the appropriate authority has been given by the petitioner in terms of the liberty granted.

5. In the earlier order the court also observed that the authorities may examine imposing time restrictions for the heavy vehicles to ply.

6. It is submitted by the learned advocate appearing for the petitioner that the National Green Tribunal, Eastern Zonal Branch, Kolkata in Original Application 44/2015/EZ in the case of *Joydeep Mukherjee v. State of Jharkhand and Others* has held that there are several illegal mines and stone crushing units operating in the area to be closed down and in spite of such directions the stone crushing units continue to operate in violation of the said order. All these issues have to be placed before the appropriate authority for consideration and action being taken.

7. In the light of the above facts, we dispose of this writ petition by directing the petitioner to give a comprehensive representation to the District Magistrate, Birbhum enclosing copies of the earlier representation, copies of the orders passed by this court in the earlier writ petition, copy of this order as well as the order passed by the National Green Tribunal. On receipt of the representation, the District Magistrate is directed to form a Team of Officers, conduct surprise inspection of the area and examine as to whether there are any illegal mining activities are being carried on, illegal stone crushing units are being operated and with regard to the authorized mines and stone crushing units the Team should examine as to whether the licence conditions are scrupulously complied with specially the licences which have been

granted under the Explosive Act, submit a report to the District Magistrate, Birbhum and based on such report the District Magistrate is directed to take appropriate action in accordance with law.

8. Needless to state that the persons against whom action is proposed have to be put on notice.

9. The petitioner is directed to submit the representation in terms of the above direction within two weeks from the date of the receipt of the server copy of this order, after which the District Magistrate and Collector shall comply with the other directions within a period of three months from the date on which the representation is made.

10. The Superintendent of Police, Birbhum is directed to pass necessary orders to give adequate police assistance to the Team of Officers who will be conducting the inspection in terms of the above order.

11. The District Magistrate while taking a decision may examine the matter having regard to the population of the area and also whether there is any alternate route through which heavy vehicles can be directed to ply or in the absence of any such alternate route whether time restriction should be imposed for plying of heavy vehicles.

12. The 15<sup>th</sup> respondent is Salbadra Stone Crushers and Mine Owners Association.

13. The District Magistrate shall issue notice to the said Association also and hear their views in the matter.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**