

July 30, 2024
Sl. No.2
Court No.9
s.biswas

WPA 16694 of 2023

Biswajit Bag

vs.

The West Bengal Pollution Control Board and others

Mr. R. N. Chakraborty

Mr. M. Ahmed

... for the petitioner

Mr. Soumya Mukherjee

... for the WBPCB

Mr. Somnath Adhikary

Mr. Shraman Sarkar

Mr. Ishan Sen

Mr. Joydeb Paul

... for the respondent no.9

1. The report filed by the West Bengal Pollution Control Board is taken on record. From the report, it appears that no poultry farm was found in an operational condition. No birds were found. The owner of the farm intimated the inspector that the farm had been shut for a couple of months.
2. Under such circumstances, the Pollution Control Board could not find any reason to hold that the farm had been established contrary to law and the guidelines. Learned advocate for the pollution control board has handed over the guidelines which require compliance of certain conditions, provided the minimum number of birds in the poultry farms are 5000 and above. The poultry farms have been categorized into small, medium and large. The smallest poultry farm is required

to have at least 5000 birds to come within the purview of guidelines, formulated by the Central Pollution Control Board, Ministry of Forest and Climate Change, Government of India.

3. As birds were not found on the date of inspection, it was difficult for the Board to ascertain whether 5000 or more birds were actually being reared and / or bred in the said farm.
4. It has been specifically contended that the poultry farm would have to follow the guidelines. The nature of compliances have been stated in the report. Thus, if the respondent no.9 deals with 5000 or more birds, the guidelines would be applicable and necessary permission to establish and operate should be taken from the West Bengal Pollution Control Board.
5. With regard to the nuisance which the petitioner complains of, the petitioner is at liberty to approach the police authority and the gram panchayat. It is made clear that the respondent no.9 will not operate the farm except in due compliance of the environmental guidelines and upon obtaining necessary permissions from all other authorities as required by law. As it is the categorical submission of respondent no.9 and the Pollution Control Board that the farm is not functioning, no further orders are required to be

passed, except as directed hereinabove. The petitioner is at liberty to raise any dispute, in future, if it is ultimately found that the firm is being run contrary to the guidelines.

6. The writ petition is accordingly disposed of.
7. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)