

WPA (P) 50 of 2025

Tarak Bag & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Debashis Banerjee
Mr. Rakesh Jana ...for the petitioners

Mr. Jahar Lal De, Ld. A.G.P.
Mr. Sourab Chowdhury ... for the State

Mr. Debnath Ghosh
Mr. Debrup Bhattacharyya
Ms. Akshita Bohra ... for respondent no. 9

1. Report filed by the Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur is taken on record. The said report disclosed the following facts :-

“The claim of the petitioners that the cremation ground for cremation is Plot No. 168 of Mouza-Khanjarchak, J.L. 125 is not matched with L.R. Record-of-Rights (R-O-R). The last recorded plot number in Mouza Khanjarchak is Plot No. 135. Accordingly, there is no existence of any LR Plot No. 168/169 in Mouza Khanjarchak, J.L. No. 125.”

- *“Based on the field enquiry conducted by the SDO Kharagpur, corroborated by the statements of the Pradhan and Up-Pradhan of the local Gram Panchayat (annexed with the said report), it appears that the cremation ground, which was reportedly used by the local community approximately a decade ago, was in fact situated over an area of 3.21 acres in LR Plot No.*

169 of Mouza-Shyamraipur, J.L. No. 123, which is presently under the possession of the respondent, Orissa Metaliks Private Ltd. (hereinafter referred to as 'OMPL'). However, as per the submissions of the Pradhan and UP-Pradhan, the said plot has not been used for any cremation-related activity during the last ten years.

- As per the R.S. Record-of-Rights (R-O-R), Plot No. 169 of Mouza Shyamraipur is classified as 'Garhlayekpatit'. In the L.R. Record-of-Rights (L.R.R-O-R), the same plots stands vested in the State and is recorded in favour of the Collector on behalf of the Government of West Bengal, with the classification noted as 'Dahi'. There is no entry or reference to any cremation ground or 'Samsanghat' in the records pertaining to the said plot.

II. Alternative cremation ground :

- The enquiry report of the SDO Kharagpur, it further appears that the respondent company has constructed an alternative burning ghat over LR Plot Nos. 207, 208, 209, 210 and 211 of Mouza Dangarpara, J.L. No. 122. These plots are also recorded as vested lands in the name of the State and are under the Collector, Government of West Bengal."

III. Pollution :

- With respect to the allegation of air pollution, the SDO's report confirms that Orissa Metaliks Pvt. Ltd. (OMPL) has obtained Consent to Operate (CTO) from the West Bengal Pollution Control

Board (WBPCB) under Section 25 and 26 of the Water (Prevention & Control of Pollution) Act, 1974, and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981, for the period 01.05.2022 to 30.04.2027.

- *Furthermore, the Ministry of Environment, Forest and Climate Change (MoEF & CC), Impact Assessment Division, has granted Environmental Clearance (EC) to the project activity of the respondent company in accordance with the EIA Notification 2006.*

IV Petitioners' objection :

- *It is respectfully submitted that, as per the report of the SDO, Kharagpur, during the course of the field enquiry, certain writ petitioners, namely Karna Bag (on behalf of his deceased father Abir Bag, Petitioner No. 3), Babul Ari (Petitioner No. 8), Abhay Bag (Petitioner No. 9), Sadhu Bag (Petitioner No. 11) and Rakhal Nayak (Petitioner No. 13) have raised objections alleging impersonation and asserting that their names were included in the original writ petition filed before the Hon'ble High Court, Calcutta, without their knowledge or consent."*

2. Admittedly, an alternative crematory ground has been allotted to the Lodha Community and it has not be disputed from the Bar.
3. In view of the aforesaid, we are not inclined any further orders in this writ petition.

4. Accordingly, the writ petition is disposed of.

(Soumen Sen, J.)

(Smita Das De, J)