

Court No. 8
04.08.2025
Item No.76
PA (Chamber)

WPA (P) No. 61 of 2023

**Sri Animesh Mondal
VS
The State of West Bengal & Ors.**

Mr. Chirantan Sarkar
...for the Petitioner

Mr. Jahar Lal De, AGP
Mr. Shamim-Ul-Bari
...for the State

1. Heard the learned counsel appearing for the petitioners and the respective parties.
2. The instant Public Interest Litigation has been filed by the petitioner praying inter alia for the following relief(s):-

“a) A writ in the nature of Mandamus and/or like nature commanding the respondent authorities to take necessary steps for removal/shutting down of M/s. Maa-N-Thakrun Chicken Firm operated by the private respondent;

b) A writ in the nature of Mandamus and/or like nature commanding the respondent authorities to prevent such private respondent from polluting surrounding environment through his M/s. Maa-N-Thakrun Chicken Firm;

c) A writ in the nature of Mandamus and/or like nature commanding the respondent authorities to ensure implementation of necessary guidelines and/or directions issued by the appropriate authorities in connection with operation of poultry farms by the respective owner;

d) A writ in the nature of Mandamus and/or like nature commanding the respondent authorities to show cause as to why the BDO, Katwa-II, would not be held liable for bypassing his duties through issuing such vague order dated 15.09.2022;

e) A writ in the nature of certiorari directing the Respondents to transmit all the records relating to this case before this Hon'ble Court so that conscionable justice may be administered;

f) Rule Nisi in terms of prayers (a) to (e) as above;

g) To pass any other or further order or orders, direction or directions as Your Lordship may deem fit and proper for the end of justice."

3. Appropo the facts of the case is that already the petitioner filed one Public Interest Litigation being WPA (P) No. 339 of 2022 before this Hon'ble Court. The same was disposed of by an order dated 22.8.2022 directing inter alia, for

filing a representation before respondent no. 6 for consideration in accordance with law as expeditiously as possible within a period of 3 months from the date of receipt of such representation.

4. In pursuance such direction the petitioner made a representation before Respondent No. 5 on 29.8.2022 against respondent no. 9 for running illegal Poultry Farm at L.R Plot No. 617, J.L 64, Mouza-Dona, P.O- Panjoya, P.S- Katwa, Dist- Purba Bardhaman. Till date no steps have been taken for removing/shutting down the poultry farm which is polluting the surrounding environment of the village in question.

5. Despite there being an order of this Hon'ble Court, the Respondent No.6 sat tight over the issue.

6. Considering the aforesaid, it is directed that the petitioner shall further make a comprehensive representation indicating the order dated 22.08.2022 passed in the earlier round of litigation within a fortnight. The Respondent No. 5 shall consider such representation and pass a reasoned order in accordance with law by affording an opportunity of hearing to all the concerned

parties preferably within a period of 4 weeks from the date of submission of the representation. The said order is thereafter to be communicated to the interested parties forthwith.

7. The PIL is disposed of. It is made clear that Court has not gone into the merits of the case.

8. The respondent NO. 5 is peremptorily directed to act in terms of the said order and make an enquiry against respondent No. 6 as to why no steps have not been taken in terms of the order dated 22.8.2022.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)