

WPA(P) 87 of 2025
Jai Kisan Andolan and Ors.
Versus
The State of West Bengal and Ors.

Mr. Subhojit Saha, Adv.
Ms. Oindrila Ghosal, Adv.
...For the Petitioners

Ms. Sonal Sinha, Adv.
Ms. Shabnam Farooqui, Adv.
Mr. Sandipan Das, Adv.
...For the Respondent
Nos.3, 5 & 6

Mr. Sk. Md. Galib, Sr. Govt. Adv.
Mr. Manish Biswas, Adv.
...For the State

1. In this petition petitioners allege that pollution of river water on account of effluent discharge by various factories located at Sarbamangla village in the district of Hooghly. It is seen that on receipt of the complaint the Pollution Control Board was directed to take action. In this writ petition petitioners have not impleaded the polluting industries as parties as the petitioners allege that there are several industries which are discharging effluent into the river and no action has been taken including the Pollution Control Board.
2. The learned counsel appearing for the Pollution Control Board submits that it is incorrect to allege that the Pollution Control Board has not taken action and to buttress the said submission copy of a direction issued by the Pollution

Control Board in respect of M/s. Ample Textech Pvt. Ltd. has been produced in this court. Reading of the said direction clearly shows that the said unit has been discharging untreated effluent into the river and the unit was repeatedly failing to meet the effluent discharging norms owing to which a sum of Rs.5,00,000/- was forfeited of a Bank Guarantee of Rs.10,00,000/-. Further, directions have been issued to the industry to install online continuous effluent monitoring system at the ETP outlet and maintain the record properly. There are other directions as well. The Environmental Engineer and In-charge, Hooghly Regional Office of the State Board has been requested to conduct a fresh inspection of the unit to verify the status of environmental compliance and if the unit is found to be non-complying with the Board's direction, the Board shall take strict regulatory action against the unit. The directions which have been issued by the State Board are in exercise of the powers conferred under the provision of section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made thereunder. The fact that a direction has been issued invoking the power under section

33A/31A of the aforementioned statute would show there has been violation of the pollution norms and the allegations made by the petitioners stand justified. Since it is stated that there are several industries which are committing such illegality, it would be appropriate for the State Board to constitute a separate team of officers who should conduct a surprise inspection of the entire area and the team of officers should be given adequate police protection for which State Board should address the Superintendent of Police, Hooghly district, who shall deploy adequate police force and the surprise inspection should be conducted and if it is found there is discharging of effluent in violation of discharging norms, action to be taken in accordance with the provisions of the statute. The learned advocate for the West Bengal Pollution Control Board is directed to place this order before the Chairman of the West Bengal Pollution Control Board, who shall take serious note of the observations/directions issued in this order and take appropriate remedial steps.

3. With the aforesaid directions, the writ petition is disposed of.

(T.S. Sivagnanam)
Chief Justice

[Chaitali Chatterjee (Das), J.]