

15.05.2025

Court No.35
Sl. No.28
Mujahid

WPA 12169 of 2023

**Asoke Banerjee
Vs.
The State of West Bengal & Ors.**

Mr. Mohaimenul Mondal,
Mr. M. Das.

...for the petitioner

Mr. Robiul Islam,
Mr. Masooq Rahman

...for the private respondent

Mr. Nilotpall Chatterjee,
Ms. Debapriya Chatterjee

...for the State

Affidavit of service filed by the petitioner be
kept with record.

Petitioner is aggrieved by the fact that the representation which was made on 30th March, 2023 with the Superintendent of Police, Murshidabad did not yield any result, as no action was taken. Petitioner informs that Hariharpara Police Station which is the jurisdiction within which an oil mill is being run by the private respondent no.8 is creating sound pollution and to that effect, information was furnished to the Pollution Control Board. Orders were passed by the Pollution Control Board, inspite of the same, police did not render any assistance.

Learned advocate for the State submits that a proceeding under Sections 107/116 of the Cr.P.C. was drawn up against the private respondent.

Learned advocate for the private respondent submits that writ petition is not maintainable since there is an alternative and efficacious remedy available to the petitioner.

I have considered the submissions advanced by all the parties and I am of the view that since the representation dated 30th March, 2023 has not been acted upon by the police authorities and the petitioner submits that subsequent information were furnished to Hariharpara Police Station, a fresh representation again be submitted to the said police station. If the Inspector-in-Charge/Officer-in-Charge of the said police station finds that any direction of the Pollution Control Board is violated, the concerned police officer will act in accordance with law.

With the aforesaid observations WPA 12169 of 2023 is disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)