

31.7.2025
DL.45

Court No.35
Sg

WPA 16534 of 2025

Adhir Maity
Vs.
The State of West Bengal & Ors.

Mr. Soumen Kr. Datta
Mr. Partha Sarathi Basu

....for the petitioner.
Ms. Sudeshna Das
....for the respondent no.7.

Mr. Suman Ghosh
Mr. Sabysachi Bhattacharya

....for the State.

Affidavit of service filed by the petitioner is taken on record.

Petitioner complains that he is constructing a building on the plot of land and on the same plot of land the private respondent has been carrying out his business which is resulting in sound pollution as well as air pollution. Petitioner has informed police authority as well as the Pollution Control Board. However, learned advocate for the private respondent submits that the respondent is having license to carry out the business as well as necessary permission from the Pollution Control Board.

State has submitted a report wherein prosecution has been drawn up under Section 126 of the BNSS.

As it is admitted fact that business is being carried out by the Respondent No.4, issue remains as to whether the business is carried out legally or illegally and the same is subject matter of the Municipal Authority. So far as the complaint of the petitioner is concerned the same is restricted to air and sound pollution. Until and unless Pollution Control Board files a specific complaint against the private respondent, Police authority would not be in a position to take steps in accordance with law.

In view of the aforesaid observation police authority would continue to oversee that no untoward incident results, as there is inimical relationship existing between petitioner and the respondent.

With the aforesaid observations writ petition being WPA 16534 of 2025 is disposed of.

Copy of the report handed over the learned advocate for the both the parties.

Copy of the report be kept with the record.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Tirthankar Ghosh, J.)