

Sl.No.

15

19.08.2025

Court
No. 35

G.S.Das

WPA 18410 of 2025

Ansar Ali Khan

-Vs-

The State of West Bengal & Ors.

Mr. S. B. Dasgupta

... for the Petitioner(s)

Mr. Suman Sengupta

Mr. S. Datta

... for the State-Respondent(s)

Mr. Arnab Chatterjee

Ms. Dhanasree Biswas

Ms. Poulami Bose

... for the respondent no. 8

The petitioner is aggrieved by the fact that inspite of the West Bengal Pollution Control Board passing specific directions by way of imposing the followings conditions, which are set out below:

“1. Operate by strictly complying with the terms and conditions as enumerated in the “Consent to Operate” certificate of the State Board;

2. Avoid nuisance which may be caused from noise by taking adequate noise control measures which may include, but not limited to, measures like

installation of acoustic insulation panels and noise barriers, shifting of noise producing equipment's etc. so that sound does not travel outside the respondent unit beyond the permissible limit;

3. Close all the opening and gap of his unit towards the complainant sides permanently to avoid emission of the fine dust particles; and

4. Restrict its operating hours from 9 A.M to 6 P.M only with a proper recess time in between"

- the same are being violated by the private respondents and the police authorities are not taking any action.

To that effect, attention of this court has been drawn to the fact that the West Bengal Pollution Control Board has itself informed the concerned police station. However, no steps have been taken.

Learned advocate for the private respondents submits that the petitioner and the private respondents are related to

each other and there is a family feud. Consequent to which, the petitioner is vindictive and is informing the authorities with wild allegations as *presently* they are in a strained relationship.

State has submitted a report prepared by one S.I. of Police, Chintamoni Naskar, Ashoknagar Police Station, Barasat Police District. The report reflects that on preliminary enquiry, the police authorities found that M/s. Khadija Garment - a factory, is maintaining all the guidelines to run the factory and the allegation in the writ petition against the police authorities for not taking up any action to stop the said Garment company to control noise problem, is civil in nature.

Since the statutory authority has imposed certain conditions with specific directions, it is the duty of the police authorities to adhere to the same. In case, there is any violation and the police authorities are not willing to act, in that

case, I grant liberty to the petitioner to take out a fresh complaint to the West Bengal Pollution Control Board which would conduct an inspection for assessing the illegalities and/or irregularities which have been pointed out by the petitioner.

In case, any illegalities and/or irregularities are found by the West Bengal Pollution Control Board, the Superintendent of Police, Barasat Police District would assess regarding the contents of the report submitted by said S.I. of police, Chintamoni Naskar of Ashoknagar Police Station.

With the aforesaid observations, WPA 18410 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record. Copies of the report be handed over to both the parties.

Parties to act on a server copy of this

order duly collected from the official website of the
Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)