

02.01.2025
Item No.22
PG/KS
Ct. No.1

W.P.A. (P) 441 of 2024

**Narendra Kumar Singh
Vs.
The State of West Bengal & Ors.**

Mr. Saheb Banerjee

.....For the Petitioner

Ms. Sujata Mukherjee

.....For the State

Mr. Debanjan Mukherjee

.....For the W.B.S.E.D.C.L.

Mr. Sandip Chakraborty

Mr. Moyukh Mukherjee

Mr. Kaustav Das

.....For the Respondent No.14

1. By this public interest writ petition, the petitioner alleges that the private respondent is illegally operating a flour mill.
2. The private respondent would submit that the allegation is false as all requisite permissions and approvals have been obtained including permission from the Pollution Control Board.
3. There appears to have been an issue with regard to the drawal of electricity line for the flour mill, which resulted in the private respondent filing a writ petition before this Court in W.P.A. 27559 of 2024, in which direction was issued for drawal of the electricity line by way of an underground cable with adequate police protection. In the said writ petition, the present writ petitioner before us, was the intervenor.

4. Therefore, the present public interest litigation cannot be construed to be a genuine public interest writ petition as there appears to be a private interest involved between the writ petitioner herein and the private respondent.
5. The other allegation made by the writ petitioner is that the private respondent has unauthorizedly erected the machinery in a temporary construction put up in the first floor of the building, which, according to the writ petitioner, is impermissible.
6. In any event, these are all issues, which have to be examined by the Pollution Control Board.
7. Therefore, without going into the merits of the allegation made by the petitioner against the private respondent, we direct the 3rd respondent i.e., the Senior Scientist and In - Charge Public Grievance Cell, West Bengal Pollution Control Board or any other officer, who may be nominated by the said officer to conduct a surprise inspection of the premises of the private respondent no.14 and if any violation is found, appropriate action be initiated in accordance with law after complying with the principles of natural justice.
8. The Inspector of Police, I.C. Kanksa Police Station, ADPC has filed a report dated 11th November, 2024, which is taken on record.

9. It is made clear that the allegations made by the petitioner against the private respondent are not gone into. Since the affidavits have not been called for, it is for the Pollution Control Board to take a decision on merits and in accordance with law.
10. The above direction be complied with within a period of six weeks from the date of receipt of server copy of this order.
11. With the aforesaid observations/directions, the writ petition is disposed of.
12. No costs.
13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)