

D/L 22
14.01.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 26968 of 2024

Sofi Khan & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Golam Mahiuddin

...for the Petitioners.

Mr. Marttanda Pratap Chakraborty
Mr. Pradipta Siddhanta

...for the State.

Mr. Samrat Banerjee

...for the respondent no. 6.

Mr. Soumya Mukherjee

...for the West Bengal Pollution Control Board.

1. Affidavit-in-reply filed by the petitioners to the affidavit-in-opposition filed by the private respondent is taken on record.
2. It appears from the report filed by the Sub-Divisional Officer that, the poultry farm is a small unit running with less than one thousand birds. No sanction has been obtained by the petitioners for raising the construction of the structure from which the poultry farm is being operated.
3. As the proper permission for conversion of the land was not obtained from the competent authority as per Section 4C of the West Bengal Land Reforms Act, 1955 (for short 'LR Act') the poultry farm has been ordered to be removed.
4. The petitioners rely upon the order of conversion dated 9th September, 2024 issued by the Collector under 4C of the Land Reforms Act, 1955 and the Block Land and Land Reforms Officer, Rampurhat-I permitting conversion of L.R. Plot No. 1156 from '*saiyam*' to '*commercial bastu*'.
5. It further appears from the report filed by the Pollution Control Board that, the farm is categorized as 'small' having bird

capacity of approximately one thousand only, but the same does not absolve the responsibility of the petitioners to follow the recommendation/remark as mentioned in the report filed by the Assistant Environmental Engineer, Durgapur Regional Office, West Bengal Pollution Control Board dated 13th December, 2024.

6. Learned advocate representing the private respondent submits that, the construction of the farm has been made without obtaining any sanction from the competent authority. The farm in question is causing serious pollution in the area.
7. As regard the illegal construction that has been made, it will be open for the private respondent to raise objection before the competent authority alleging unauthorized construction. In the event such an objection is raised, the competent authority shall take steps in accordance with law to deal with the said allegation.
8. The Pollution Control Board is directed to keep strict vigil to ensure that pollution in any manner whatsoever is not caused by the subject poultry farm.
9. Leave granted to the petitioners to approach the Block Land and Land Reforms Officer, Rampurhat-I with all documents in support of the submissions that the poultry farm was set up in terms of the order of conversion issued under Section 4C of the Land Reforms Act, 1955.
10. In the event the petitioners approach the Block Land and Land Reforms Officer within a week from date, the said authority shall take steps to decide as to whether the poultry farm is operated by the petitioners in accordance with law after giving them a reasonable opportunity of hearing.
11. Prior to the final disposal of the prayer of the petitioners, no coercive steps shall be taken against them.
12. The writ petition stands disposed of.

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

(Amrita Sinha, J.)