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2025

MONDAY

Court : CB-07
Item : DL-06
Bench : SINGLE
Matter : WPA
Status : DO
ID : 266057
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28691 OF 2022

BAMAPADA KUNDU & ANR.
VS.
THE STATE OF WEST BENGAL & ORS.

MR. PANCHANAN HAJRA, ADVOCATE

.....for the Petitioners

MR. WASIM AHMED, ADVOCATE

MR. SK. MD. MASUD, ADVOCATE

.....for the State

MS. PAMPA DEY (DHABAL), ADVOCATE

MS. SANGITA BANERJEE, ADVOCATE

MR. BISWARUP CHATTERJEE, ADVOCATE

.....for Respondent No. 6

- 1) The present writ petition has been filed seeking a direction upon respondent no. 5 to cease the operation of the wheat mill being run by the private respondent on a plot of land owned by the petitioners.
- 2) The petitioners alleges that the private respondent has unlawfully set up a wheat mill on the petitioners' plot of land without obtaining any valid license or authorization to operate such a mill. Despite the petitioners having brought this matter to the attention of the Pradhan of the concerned Panchayat through a representation submitted as early as April 2022, no effective action was taken in response thereto. Consequently, the petitioners were constrained to file a writ petition, being WPA 8891 of 2022, which was disposed of, directing the concerned Pradhan to take a decision on the petitioners' representation within the time frame stipulated therein.
- 3) In the order dated 30.08.2022, it was specifically noted that a report dated 28.07.2022 had been submitted by the Industrial Development Officer, Arambagh Development Block. The report stated that a spot inspection of the concerned plot had been conducted, during which it was found that a wheat grinding mill was in operation on the

land recorded in the name of the petitioners. However, no documents were produced to indicate that the requisite statutory clearances had been obtained from the competent authority for operating the said wheat mill.

- 4) As the petitioners' earlier representation failed to yield any effective outcome, they were constrained to submit a further representation before the concerned Industrial Development Officer. However, despite receipt of the said representation, no action has been taken, nor has any effective decision been rendered in response thereto. This inaction has compelled the petitioners to file the present writ petition.
- 5) Mr. Panchanan Hajra, learned advocate appearing for the petitioners, submits that the private respondent is operating the wheat mill illegally, without possessing any license, requisite documents, or necessary permits. This issue was brought to the attention of the concerned Panchayat through a formal representation, and even a Coordinate Bench of this Hon'ble Court had directed the Pradhan to take a decision on such representation. However, no steps have been taken to dispose of the same. Mr. Hazra further submits that the concerned Industrial Development Officer is the competent authority to determine whether such a wheat mill can be permitted to operate in the absence of a valid license or statutory clearance.
- 6) Mrs. Dhabal, learned advocate appearing on behalf of the private respondent, submits that the present matter is essentially a dispute between a landlord and tenant. The private respondent claims to be a tenant under the petitioners in respect of the land in question. She contends that, upon obtaining due permission from the concerned Panchayat, the private respondent has been operating the wheat mill thereon since 1975. It is further submitted that the present dispute has arisen out of deterioration in the relationship between the landlord and the tenant, and is a consequence of such strained relations.

- 7) Mr. Wasim Ahmed, learned Advocate entered appearance on behalf of the State.
- 8) Undeniably, a Coordinate Bench, in its order dated 30.08.2022 passed in WPA 8891 of 2022, observed that the report dated 28.07.2022 submitted by the Industrial Development Officer, Arambagh Development Block, indicated that a wheat grinding mill was operating on the plot recorded in the name of the petitioners. It was further noted that no documents were available to show that the requisite statutory clearances had been obtained from the competent authority for operating the said wheat mill.
- 9) In view of the above, this Court directs the Industrial Development Officer, Arambagh Development Block, to take an appropriate decision on the petitioners' representation dated 27.09.2022, after affording an opportunity of hearing to both the petitioners and the private respondent, and upon due consideration of all relevant documents and materials placed before him.
- 10) In the event it is found that the private respondent has been operating the wheat mill without lawful authority, appropriate follow-up action shall be initiated in accordance with law.
- 11) If the Industrial Development Officer is found himself to be the competent authority and, upon due inquiry, concludes that the wheat mill is being operated illegally, he shall take all necessary steps to ensure that the operation of the said wheat mill is ceased in accordance with law.
- 12) In the event, the Industrial Development Officer determines that he is not the competent authority, he shall refer the matter to the appropriate authority for further action in accordance with the law.
- 13) It is hereby made clear that that this Court has not gone into the merit of the issues raised by the petitioners in the representation submitted before the Industrial Development Officer.

14) With these observations, **WPA 28691 of 2022** is **disposed of**.

(PARTHA SARATHI CHATTERJEE, J.)