

30.01.2025
Item No.22
gd/ssd

WPA(P)/510/2024
ASHISH SAU
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Atarup Banerjee,
Mr. Vivek Tripathi,
Ms. Yamini Tiwari

..for the Petitioner.

Sk. Md. Galib,
Mr. Abu Siddique Mallik

..for the State.

Mr. Tanmay Chowdhury,
Ms. Ritoprita Ghosh

.for the Respondent Nos.12 and 13.

1. The writ petitioner alleges that the private respondents are operating brick kiln illegally and seeks for appropriate orders to prevent the illegality.

2. Reference was made to the order passed by the Hon'ble Division Bench in an earlier public interest writ petition in WPA(P) 32 of 2021 which related to districts of Nadia, North 24-Parganas etc.

3. The petitioner would submit that the private respondents are illegally taking alluvial soil from the river bed for the purpose of manufacturing of bricks which is prohibited and cannot be allowed and, therefore, the operation of the brick fields by the private respondents is illegal.

4. The written instruction has been given by the Block Land and Land Reforms Officer, Shyampur-II, Howrah dated 28.1.2024 to the learned State Advocate from which it is seen that Sohel Brick Field has

obtained all permissions for operating the brick field. So far as Rumel Bricks are concerned, they have failed to produce the consent for operating the brick field. Therefore, Rumel Brick Field cannot operate without obtaining the consent. The operation of the brick field/factory is one aspect.

5. However, the petitioner's grievance is not primarily on that but on the allegation that the private respondents are illegally removing alluvial soil from the river bed. This aspect has not been touched upon in the written instruction given by the Block Land and Land Reforms Officer, Shyampur-II, Howrah.

6. Therefore, we direct the Block Land and Land Reforms Officer to conduct a surprise inspection so as to ascertain as to from which area the sand is being collected by the 12th and 13th respondents and if it is found that the sand is being collected from the river bed which is not authorized, then appropriate action be taken against the 12th and 13th respondents after notice and after giving opportunity of hearing.

7. So far as Rumel Brick Fields is concerned, they cannot operate the brick field or factory till obtaining consent to operate.

8. However, as pointed out above, the larger issue is with regard to wherefrom the soil is removed. If the soil is being removed illegally from the river bed, then the brick field/factory cannot operate.

9. The learned advocate appearing for the 13th respondent submitted that the 13th respondent has already applied to the West Bengal Pollution Control Board for consent to operate.

10. This submission is placed on record.

11. With the above observations and directions, the matter stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)