

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO.

OF 2023

IN THE MATTER OF :

Raghunath Maity.

..... Applicant.

-Versus -

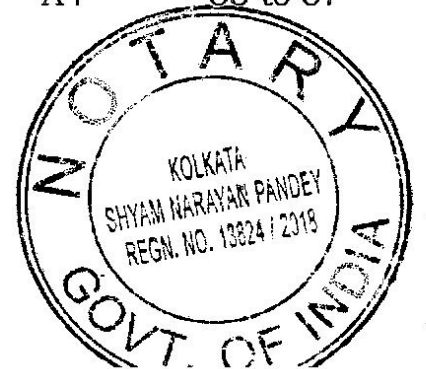
The West Bengal Pollution Control Board & Ors.

..... Respondents.

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Raghunath Maity



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Ranbir Singh Malik



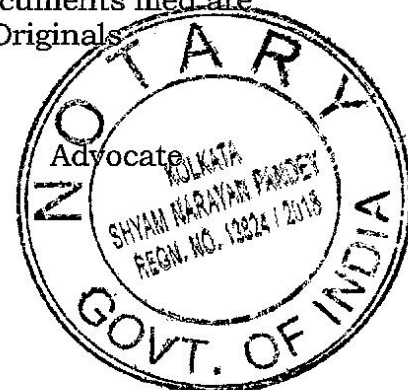
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Partha Sarkar

Partha Sarkar
Advocate

8, Old Post Office Street,
1st Floor, Kolkata -700001

Certified that the documents filed are
true copies of their Originals.



Raghunath Mahapatra

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO.

OF 2023

IN THE MATTER OF :

Raghunath Maity

... Applicant.

- Versus -

The West Bengal Pollution Control Board & Ors.

... Respondents

SYNOPSIS

The applicant begs to present the Memorandum of application against the action and/or in-action on the part of the respondent authorities to protect the environment and protect the right to Air and Sound Pollution in their locality and protect the river bandh from damaging its due to vibration arising out of illegal and unauthorized running the Mill/Unit by the private respondents and failed to implementation of the order dated 02.12.2019 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 137/2017 (EZ).



Partha Sarkar

Partha Sarkar
Advocate

8, Old Post Office Street,
1st Floor, Kolkata- 700001.

Raghunath Maity

BEFORE THE NATIONAL GREEN TRIBUNAL,
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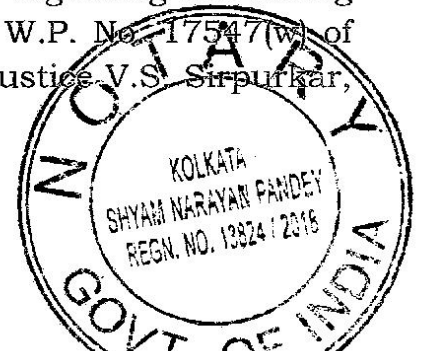
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The West Bengal Pollution Control Board & Ors.

... Respondents

- 08.01.2003 Dipak Kumar Das Proprietor of the said Mill got consent to establish from the West Bengal Pollution Control Board on the Plot No.- 165, Mouza - Meghadangar, J.L. No.- 92, Khatian No.- 157, but actually the said Mill is situated in Plot No.- 164, Mouza- Meghadangar, J.L. No.- 92 and the said consent obtained without submitting the land record. Therefore, the said consent to establish has no legal value in the eye of law
- 19.04.2005 The petitioner along with local people made a representation before the Irrigation and Water Ways Department, Government of West Bengal against the illegal construction of the said Mill on the river bandh (embankment) made by Dipak Kumar Das.
- 16.07.2005 That on the same self-issue, on 16.07.2005 the Local People and adjoining villagers made an application before the respondent authorities in the writ application.
- 18.11.2005 A Public Interest Litigation was filed against the in-action on the part of the respondent authorities regarding not taking any action against the said Mill being W.P. No. 17547(w) of
and
16.12.2005 2005 and on 16.12.2005 the Hon'ble Justice V.S. Sirpurkar,

Raghunath Maity



C.J. (As His Lordship then was) and the Hon'ble Justice Ganguli (As His Lordship then was) f was dismissed the said writ application by passing an order.

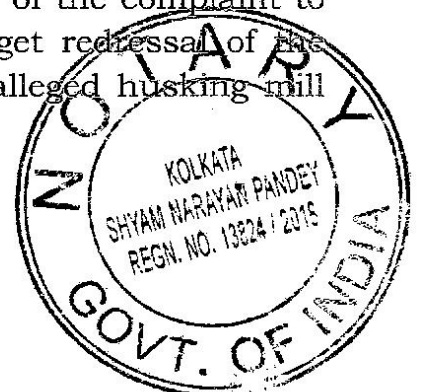
- 25.03.2006 The petitioner made a complaint before the West Bengal Control Board against the Biswanath Bani Mill proprietor Dipak Kumar Das and the concerned Pollution Board passed order directing that units are directed not to operate till obtaining 'Consent to Operate' of the State Board and the direction was also given to the local Police Station to see the matter.
- 22.05.2009 The petitioner along with others made complaint before the West Bengal Pollution Control Board against the illegal activities of the said Mill and on 28.05.2009 that date the Concerned State Board passed an order.
- and
- 28.05.2009
- 26.06.2009 The West Bengal State Electricity Distribution authority disconnected the Electricity line from the said Mill proprietor of Dipak Kumar Das.
- 26.11.2009 That against the order dated 28.05.2009 the proprietor of the said Mill namely Dipak Kumar Das was filed a writ application being W.P. No. 10855 (w) of 2009 before the Hon'ble High Court, Calcutta and on 26.11.2009 the Hon'ble Justice Pranab Kumar Chattopadhyay (As His Lordship Then was) was pleased to dispose of the said writ application by pass an order.
- 29.06.2010 The West Bengal State Electricity Distribution authority was issued a reminder notice dated 29.06.2010 to the Dipak Kumar Das.
- 28.12.2010 The West Bengal State Electricity Distribution Company, Panskura, Purba Medinipur informed to the Divisional Manager, Tamluk (D) Division about the physical disconnection to the industrial premises of Biswanath Bani Mill.
- 14.01.2011 Dipak Kumar Das filed a writ application being W.P. No. 460 (w) of 2011 before the Hon'ble High Court, Calcutta and on 14.01.2011 the Hon'ble Justice Jayanta Kumar Biswas (As His Lordship Then Was) as pleased to dispose of the writ application by passed an order.



Ranghunanath Maity

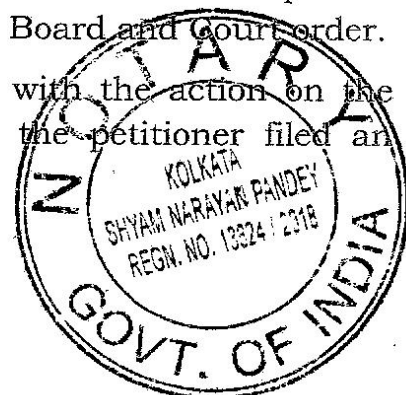
- 26.08.2011 That against such order dated 14.01.2011 passed by the Hon'ble Justice Jayanta Kumar Biswas (As His Lordship Then was) in W.P No. 460 (w) of 2011, Dipak Kumar Das filed a Memorandum of Appeal being M.A.T No. 622 of 2011 along with an application for condonation of delay being C.A.N No. 4511 of 2011 before the Hon'ble High Court Calcutta and on 26.08.2011 the Hon'ble Justice Pinaki Candra Ghosh (As His Lordship Then Was) and the Hon'ble Justice Soumen Sen as pleased to dispose of the said appeal by passed an order.
- 04.09.2014 Against the order dated 26.11.2009 passed in W.P. No. 10855 (w) of 2009, the petitioner filed a Memorandum of Appeal before the Hon'ble High Court Calcutta being F.M.A. No. 1438 of 2014 and on 04.09.2014 the Hon'ble Chief Justice Manjula Chellur (As His Lordship Then was) and the Hon'ble Justice Banerjee (As His Lordship Then was) was pleased to pass an order.
- 12.12.2014 The A.E. & Station Manager, Panskura issued a letter dated 12.12.2014 to the B.L.& L.R.O, Panskura-I with the request to supply authenticated documents to identify the land of the industry on Govt. property or not for disconnection of the electricity line.
- 25.02.2015 The petitioner was filed a writ application being W.P. No. 3284 (w) of 2015 before the Hon'ble High Court, Calcutta against illegal and arbitrary action on the part of the concerned B.L.&L.R.O not supply the authentication of records and on 25.02.2015 the Hon'ble Justice Sambuddha Chakraborty (As His Lordship Then was) was pleased to dispose of said application by passing an order.
- 04.06.2015 The concerned B.L.&L.R.O, Paskura-I supplied the authentication of records to the concerned A.E. & Station Manager, Panskura along with enquiry report, certified copy of the record of rights of plot No. 164 and hand map.
- 19.01.2015 The West Bengal Pollution Control Board passed an order with the liberty to the Learned Advocate of the complaint to approach the appropriate authority to get redressal of the environmental problems arising out of alleged husking mill (M/s Biswanath Bani Mill).

Ranghumsa Maity



- 29.06.2015 The Regional Manager, W.B.S.E.D.C.L Tamluk was pleased to direct the Divisional Manager, Tamluk (D) Division to disconnect the Electricity line of Biswanath Bani Mill.
- 13.01.2016 The concerned Electricity Authority disconnected the electricity line of Biswanath Bani Mill as per High Court's order passed in F.M.A. 1438 of 2014 with the aid of the police, Panskura P.S.
- 26.04.2016 The proprietor of said M/s. Biswanath Bani Mill namely Dipak Kr. Das moved an application under Article 226 of the Constitution of India by challenging of the aforesaid disconnection of such electricity and on 26.04.2016 the Hon'ble Justice Dr. Sambuddha Chakrabarti (As His Lordship Then was) was pleased to dispose of the said application by passing an order.
- 01.07.2016 The petitioner along with others filed another Public Interest
and Litigation (hereinafter referred to as "PIL") matter before the
11.08.2016 Hon'ble High Court, Calcutta being W.P. No.8300 (w) of 2016
and on 01.07.2016 the Hon'ble Chief Justice Manjula
and Chellur (As Her Lordship then was) and the Hon'ble Justice
07.04.2017 Arijit Banerjee was pleased to direct the Pollution Control
Board shall enquire into the issue and place a report on
record giving all the details and on 07.04.2017 the PIL
matter being W.P. No. 8300 (W) of 2016 was finally heard
and disposed of by the Division Bench presided over by the
Hon'ble Acting Chief Justice Nishita Mhatre (As Her
Ladyship Then was) and the Hon'ble Justice Tapabrata
Chakraborty by passing an order.
- 26.04.2017 Notice issued by the Pollution Control Board.
- 11.05.2017 The W.B. Pollution Control Board was pleased to pass an
orders.
- 27.06.2017 The District Magistrate forwarding his letter dated
27.06.2017 requested the Superintendent of Police, Purba
Medinipur to comply with the order dated 11.05.2017 passed
by the West Bengal Pollution Control Board and Court order.
- 2017 Being aggrieved and by dissatisfied with the action on the
part of the respondent authorities, the petitioner filed an

Rashmi Anand



- and
27.05.2019 application under Section 18(1) read with Section 14, 15 and 17 of the National Green Tribunal Act, 2010 before the National Green Tribunal, Eastern Zone, New Town Kolkata being O.A. No. 137 of 2017 (EZ). on 02.12.2019 the said original application finally heard by the Learned National Green Tribunal, Eastern Zone and the Learned Tribunal after considering the status report and all the aspect was pleased to dispose of the said original application.
- and
02.12.2019
- 09.09.2019 In compliance to the order dated 02.04.2019, the competent authority with the help of the police authorities seal the aforesaid Mill on 09.09.2019 and also the electricity authority disconnected the electrical connection of the said Mill on 09.09.2019 vide reference Panskura P.S. GDE No. 392 dated 09.09.2019.
- 03.04.2022 The local police authority came to the said Mill and de-seal the said mill/unit by violation of the order dated 02.12.2019 passed by the Learned National Green Tribunal.
- 24.09.2021 The petitioner came to know that against the order dated 02.12.2019 passed by the Learned National Green Tribunal, the original owner of the said mill namely Dipak Kumar Das preferred a Special Leave Petition before the Hon'ble Supreme Court of India being Civil Appeal Nos. 4760-4761 of 2021 and on 24.09.2021 the said Special Leave Petition was withdrawn by the applicants.
- 11.02.2022 The private respondent made representation/communicated the order dated 24.09.2021 to the police authority.
- 13.04.2022 The inspector-in-charge communicated the letter dated 13.04.2022.
- 05.04.2022 The applicant received the reply of the RTI application that is made before the State Public Information Commission.
- The applicant filed an Interlocutory Application being Interlocutory Application No. of 2022 before the Hon'ble Supreme Court of India with the prayer to direct the Competent authorities to seal the mill with immediate effect.
- The private respondents filed affidavit in reply against such application before the Hon'ble Supreme Court of India.

Rashmi K. Mahapatra



- 04.11.2022 The aforesaid interlocutory application before the Hon'ble Supreme Court of India for consideration and after hearing the parties There Lordship was pleased to dispose of the aforesaid application by passing order.
- 30.11.2022 The applicant made an RTI application before the GM-DIC, Purba Medinipur regarding knowing whether the M/S Biswasnath Bani Mill, Pro.-Subhankar Das has issued any consent to operate in favour of him or not. On 10.01.2023 the concerned authority informed to the application through letter vide memo No. 708/DIC/RTI/22-23 dated 10.01.2023 inter alia that status of 'Consent to operate' of M/S-Biswanath Bani Mill, Pro- Subhankar Das of Vill. & P.O.-Meghadangar, P.S.- Panskura, Dist.- Purba Medinipur, Pin-721152 is "Rejected".
- 06.07.2022 The WBSEDCL authority rejected the application of the private respondent to restore the Electricity line of the said Mill.

Hence, this application.

Partha Sarkar

Partha Sarkar
Advocate

8, Old Post Office Street,
1st Floor, Kolkata- 700001.

Rashwananda Mahapatra



BEFORE THE NATIONAL GREEN TRIBUNAL (EZ), KOLKATA
MEMORANDUM OF APPLICATION

Under Section 18(1) read with Sections 14, 15 and 17 of the National
Green Tribunal Act, 2010.

ORIGINAL APPLICATION NO. OF 2023

BETWEEN

Raghunath Maity,

Son of Late Bibhuti Bhusan Maity,
Residing at Village + Post Office-
Meghadangar, Police Station -
Panskura, District- Purba
Medinipur, Pin-721152.

..... Applicant.

-Versus -

1. The West Bengal Pollution
Control Board, Service through its
Chairman, Department of
Environment, Govt. of West
Bengal, Paribesh Bhawan, 10A,
Block- LA, Sector II, Salt Lake
City, Kolkata - 700106.

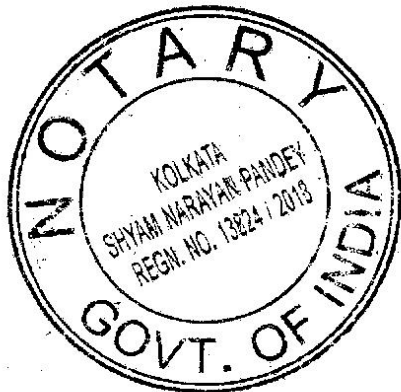
Email: chrimn.Wbpcb-wb@bangla.gov.in

Ph. No. 1800-345-3390

2. The Superintendent of
Police, Purba Medinipur, Haldia,
Tamluk Mechada Road, Post Office
- Tamluk, Uttar Chara Sankarara,
District Purba Medinipur, Pin -
721636.

Email: sppurbamedinipur@gmail.com

Ph. 03228-269797



Raghunath Maity

3. The Inspector-in-Charge, Panskura Police Station, Post Office + Police Station - Panskura, District Purba Medinipur, Pin - 721 139.

Email:panskuraps@gmail.com

Phone No. 03228-252226

4. The Irrigation and Waterways Department, Service through its Secretary, Govt. of West Bengal, Jalasampad Bhawan, 1st Floor, DF Block, Sector - 1, Bidhannagar, Kolkata -700 091.

Email: ~~iwd.prsecy@gmail.com~~

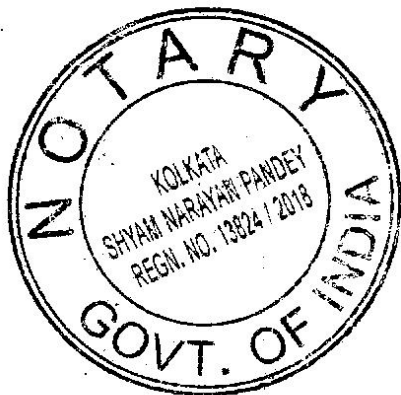
Phone No. 03228 266839

5. The Executive Engineer, Irrigation and Waterways Directorate, Purba Medinipur, Village Abasbari, Pairatungi, Post Office & Police Station - Tamluk, District- Purba Medinipur, Pin - 721636.

Email:eemd.wbiwd@gmail.com

Phone : 03228 266889

6. M/s. Biswanath Bani Mill, Situated at Village + Post Office- Meghadangar, Police Station- Panskura, District- Purba Medinipur, Pin- 721152, Service through upon the legal heirs of its Proprietor Dipak Kumar Das, Son of Late Kishori Das, namely



Rachunata Manj

Mithu Rani Das, Wife of Late
Dipak Kumar Das and Suvankar
Das, Son of Late Dipak Kumar
Das,

residing at Village- Bakhrabaj,
Post Office- Meghadangar, Police
Station- Panskura, District- Purba
Medinipur, Pin- 721152.

..... Respondents.

To

The Hon'ble Chairman and His Companion Member of the said
Hon'ble National Green Tribunal.

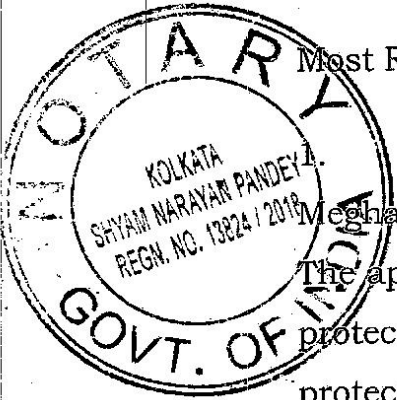
Humble application submitted by
the applicant above named.

Most Respectfully Sheweth,

The applicant is residing at Village + Post Office -
Meghadangar, Police Station - Panskura, District- Purba Medinipur.

The applicant is interested in the protection of the environment and in
protection of the right to Air and Sound pollution in his locality and
protection the river bandh (Embankment) from damaging its due to
vibration arising out of illegal and unauthorized running the Mill/Unit
by the private respondents. It is submitted that the present
application has been seeking appropriate directions to protect the Air
and Sound pollution and to protect the river bandh (Embankment)
and implementation of the order dated 02.12.2019 passed by the
Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Rashmita Das



2. The addresses of the respondents are stated above for the purpose of service of notice pertaining to the instant application. All the acts, action and/or inaction of the respondent authorities are amenable to the jurisdiction of this Hon'ble Tribunal.

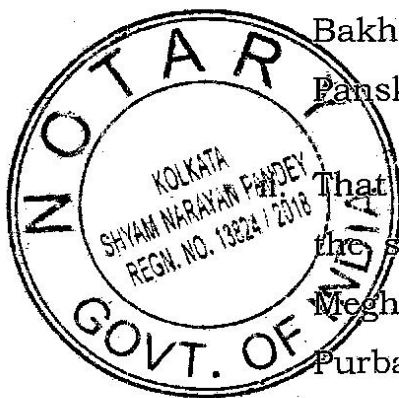
3. The applicant above named begs to present the Memorandum of application against the action and/or in-action of the respondent authorities to protect the Air and Sound pollution and to protect the Kharai river Bandh and failed to implementation of the order dated 02.12.2019 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 137/2017 (EZ). Therefore, this application have been filed by the applicant on the ground set-out hereunder :

4. FACTS IN BRIEF :

- i. That a husking mill for grinding rice, wheat and spices was running in the name and style of M/s. Biswanath Bani Mill (hereinafter referred to as 'said Mill'), which is situated at Village and Post Office- Meghadangar, Police Station- Panskura, District- Purba Medinipur, Pin- 721152 and the said Mill operated by the proprietor Dipak Kumar Das, Son of Late Kishori Das (since deceased) was resident of Village- Bakhrabaj, Post Office- Meghadangar, Police Station- Panskura, District- Purba Medinipur, Pin- 721152.

That your applicant states that the said Mill was running in the subject plot of land situated at P.S.- Panskura, Mouza- Meghadangar, J.L No.- 92, Dag No.- 164, within the District- Purba Medinipur.

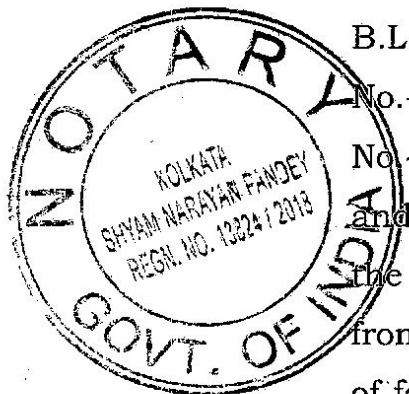
- iii. That your applicant states that the aforesaid subject plot of land where the said Mill is situated belongs to the Irrigation and Waterways Department, Govt. of West Bengal and the nature of the said subject plot of land is river Bandh



Rashmika Malik

(Embankment). It is pertinent to mention herein that the said Mill/Unit was established without taking valid permission i.e. "Consent to operate" and "Consent to establish" from the competent authorities/departments till date.

- iv. That your applicant states that by the side of the said Mill the petitioner dwelling house is situated and the distance is 5 (Five) feet.
- v. That your applicant states that at the time of running of the said Mill upon the aforesaid subject plot of land caused huge vibration, Air and Sound pollution in the locality and due to such vibration the river bandh being damaged every day and it became dangerous of the petitioner and his family members and the people living there.
- vi. That your applicant states that on 08.01.2003, Dipak Kumar Das (Since deceased) Proprietor of the said Mill got consent to establish from the West Bengal Pollution Control Board on the Plot No.- 165, Mouza - Meghadangar, J.L. No.- 92, Khatian No.- 157, but actually the said Mill is situated in Plot No.- 164, Mouza- Meghadangar, J.L. No.- 92. It is pertinent to mention herein that from the searching report obtained from the B.L.&.L.R.O., Panskura-I categorically shows that the said plot No.- 164 and 165, Mouza- Meghadangar, J.L. No.- 92, Khatian No.- 157 belong to respondent No. 5 herein namely Irrigation and Water Ways Department, Govt. of West Bengal. As such the consent had been procured by the said Dipak Kumar Das from the West Bengal Pollution Control Board by suppression of fact and without submitting the land record. Therefore, the said consent to establish has no legal value in the eye of law.



Rashmishan Mahapatra

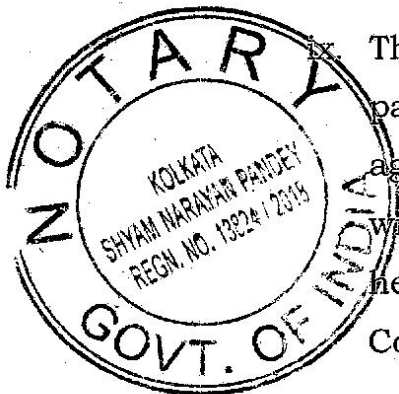
Photocopy of the L.R. record of rights along with Mouza map are annexed hereto and marked with letter "A-1".

- vii. That it is stated here that on 19.04.2005 and 06.05.2005 the Section Officer of Cossye Irrigation Office sent notice cum order to remove the unauthorized illegal construction from the Irrigation land.

Photocopy of the notice cum order dated 19.04.2005 and 06.05.2005 are annexed hereto and marked with letter "A-2".

- viii. That your applicant states that on the selfsame issue, on 16.07.2005 the Local People and adjoining villagers made an application to the District Magistrate, Purba Medinipur, B.D.O. Panskura-1, Ghoshpur Gram Panchayet, B.L.&.L.R.O. Panskura-I, Officer-in-Charge, Panskura P.S., Divisional Manager, Tamruk (D) Division, WBSEDCL and Pollution Control Board, Paribesh Bhavan, Salt Lake City, Kolkata and others.

Photocopy of the representation dated 16.07.2005 is annexed hereto and marked with letter "A-3".



ix. That your applicant states that against the in-action on the part of the respondent authorities for not taking any action against the said Mill the applicant along with others filed a writ application being W.P. No. 17547(w) of 2005 under the heading Public Interest Litigation before the Hon'ble High Court, Calcutta.

- x. That your applicant states that on 18.11.2005, the aforesaid writ application came up before their Lordships the Hon'ble

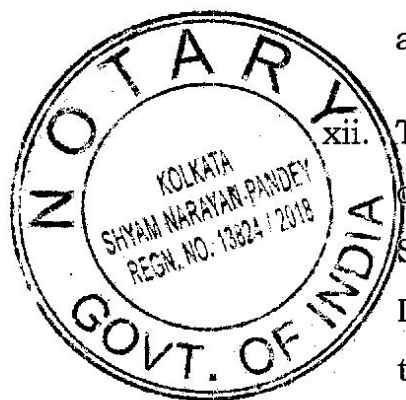
Rashmi Nath Mondal

Justice V.S. Sirpurkar, C.J. (As His Lordship then was) and the Hon'ble Justice Ganguli (As His Lordship then was) for consideration and after hearing the said writ application their Lordships were pleased to pass an order direct the State respondents to submit a report for further action taken against the encroacher and illegal construction in the area and three weeks time was granted by the Hon'ble Court.

Photocopy of the order dated 18.11.2005 is annexed hereto and marked with letter "A-4".

- xi. That your applicant states that in compliance with the aforesaid order dated 18.11.2005, the respondent authorities of the aforesaid writ application being W.P. No. 17547(w) of 2005 was filed affidavit-in-opposition, where the Irrigation Department admitted that the Biswanath Bani Mill's house was constructed on the land of the Irrigation and Water Ways Department and the said house is unauthorized construction and no permission and/or sanction was obtained from the concerned department.

Photocopy of the affidavit-in-opposition is annexed hereto and marked with letter "A-5".



- xii. That your applicant states that in compliance to the aforesaid order dated 18.11.2005 passed in W.P. No. 17547 (w) of 2005, Sub-Divisional Officer, Panskura-II, Irrigation and Waterways Department was submitted compliance report by stating that the unauthorized constructions were demolished from the river Bandh with the aid of police.

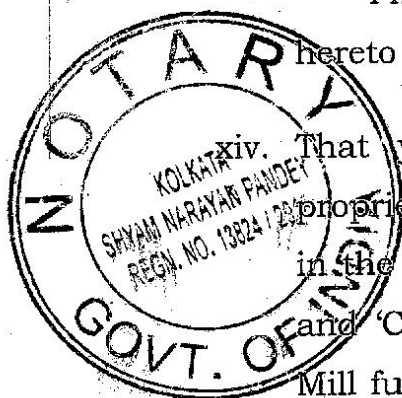
Photocopy of the compliance report is annexed hereto and marked with letter "A-6".

Rashmi K. Maruy

xiii. That your applicant states that on 16.12.2005, when the aforesaid writ application being W.P. No. 17547 (w) of 2005 came up before their Lordships the Hon'ble Justice V.S. Sirpurkar, C.J. (As His Lordship then was) and the Hon'ble Justice Ganguli (As His Lordship then was) for further consideration, then their Lordships were pleased to dismiss the said writ application by passing an order inter alia that –

“Pursuant to the previous order of this Court dated 18th November, 2005 a report has been filed before this Court and signed by one Koushik Basak who is the Sub-Divisional Officer, Punsкура Irrigation Sub-Division No. 2. From the said report it appears that the illegal construction in question have been demolished on 2nd December, 2005 with the help of Police as per order of this case. In view of the said report, a copy whereof has been handed over to the learned council for the petitioner, the learned council for the petitioner does not press this application any further. Hence, this application is dismissed.

Photocopy of the order dated 16.12.2005 is annexed hereto and marked with letter “A-7”.



xiv. That your applicant states that in the year 2006, the proprietor of the said Mill once started to operate the said Mill in the irrigation land without obtaining ‘Consent to Establish’ and ‘Consent to Operate’ from the State Board and the said Mill further operated by causing Air and Sound pollution and violation of the law.

xv. That your applicant states that against such illegal activities of the private respondents herein, the petitioner made a

Raghunath Narayan

complaint before the West Bengal Pollution Control Board against the Biswanath Bani Mill proprietor Dipak Kumar Das and on the basis of the said complaint the concerned authority issued notice to both the parties to appear on 25.03.2006.

- xvi. That your applicant states that on 25.03.2006, the concerned authority after hearing both the parties passed an order directing that units are directed not to operate till obtaining 'Consent to Operate' of the State Board and the direction was also given to the local Police Station to see the matter.

Photocopy of the order dated 25.03.2006 is annexed hereto and marked with letter "A-8".

- xvii. That your applicant states that in the year 2008, the petitioner obtained an electricity bill of M/s. Biswanath Bani Mill proprietor Dipak Kumar Das, wherefrom the petitioner came to know that the said Mill is running by consumed electricity in spite of not to obtained 'Consent to operate' and 'Consent to Establish' from the appropriate authority.

Photocopy of the electricity bill in the name of M/s. Biswanath Bani Mill proprietor Dipak Kumar Das is annexed hereto and marked with letter "A-9".

- xviii. That your applicant states that thereafter your applicant along with others made complaint before the West Bengal Pollution Control Board against the illegal activities of the said Mill and on the basis of the said complaint the concerned Board issued notice both the parties for appearance before the concerned State Board on 22.05.2009 at 13:00.

Photocopy of the notice for appearance is annexed hereto and marked with letter "A-10".

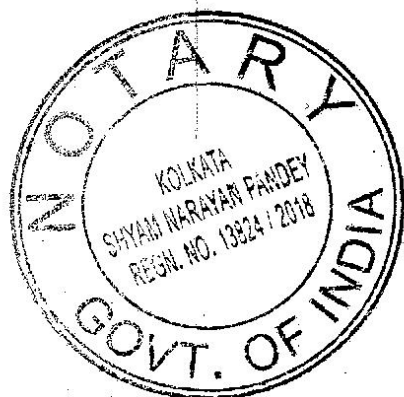
Rashwanath Maitty



xix. That your applicant states that on 22.05.2009, the petitioner appeared before the concerned State Board, but None appeared on behalf of the said Mill even after proper notice being issued to the unit. It is pertinent to mention herein that on the stipulated date i.e. on 22.05.2009 the Concerned State Board passed an order inter alia that –

“It reveals from the earlier records the said unit was established on Irrigation Land and the same was duly demolished by the competent authority and the same was also reported to the Hon'ble High Court at Calcutta in connection with W.P. No. 17547 (W) of 2005. But it appears that the said Unit once started in Irrigation land and also without Consent to Establish and consent to operate of the state Board which is a serious violation of law of the land.

Accordingly the said writ petition is directed to close its functioning with immediate effect and Officer-in-Charge, Panskura Police Station should execute the closer order and if it is found the said unit is establishment on the Irrigation land then the entire construction need to be demolished in consultation with Irrigation Department, Local Police Station may also take pro-active move in this matter.



Secretary, WBSEDCL is also requested to advise his good office to disconnect the electricity of the said unit with information to the West Bengal Pollution Control Board. As per order of the Hon'ble High Court, Calcutta, WBSEDCL or any Electric Supply authority should not extend Electricity to any unit who have not obtained

Rashmika Marley

consent to establish and consent to operate from the W.B. Pollution Control Board.

Photocopy of the order dated 28.05.2009 is annexed hereto and marked with letter "A-11".

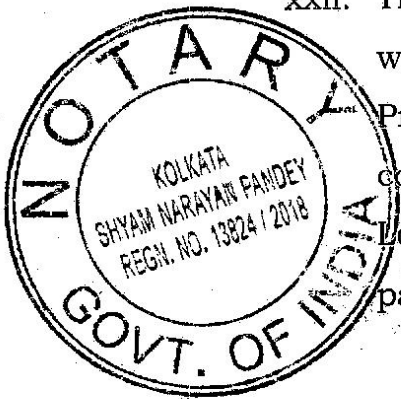
- xx. That your applicant states that in compliance to the aforesaid order dated 28.05.2009 passed by the West Bengal Pollution Control Board, the West Bengal State Electricity Distribution authority on 26.06.2009 disconnected the Electricity line from the said Mill proprietor of Dipak Kumar Das.

Photocopy of the letter of disconnection of the electricity line issued by the West Bengal State Electricity Distribution authority dated 26.06.2009 is annexed hereto and marked with letter "A-12".

- xxi. That your applicant states that against the aforesaid order dated 28.05.2009 passed by the West Bengal Pollution Control Board, the proprietor of the said Mill namely Dipak Kumar Das was filed a writ application being WP No. 10855 (w) of 2009 before the Hon'ble High Court, Calcutta.

- xxii. That your applicant states that on 26.11.2009, the aforesaid writ application came before His Lordship the Hon'ble Justice Pranab Kumar Chattopadhyay (As His Lordship Then was) for consideration and after hearing the said writ application His Lordship was pleased to dispose of the said writ application by pass an order inter alia that -

"Since the petitioner has admittedly obtained the 'Consent to Establish' for the unit and at present there is no encroachment of any land by the petitioner belong to Irrigation Department, I do not find any reason as to why



Shyam Narayan Pandey

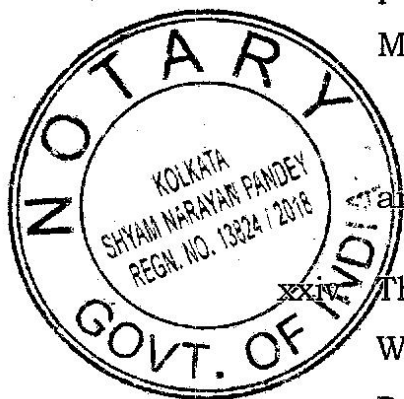
the WBSEDCL authorities will not restore the supply of electricity to the said unit. However, I make it clear that in the event the respondent WBSEDCL authorities find that the petitioner is still encroaching any government land then supply of electricity should not be restored in terms of this order. With the aforesaid directions, the said writ petition was disposed of and quash the order passed by the Chief Law Officer under memo dated 28th May, 2009 being Annexure 'P-4' to the writ petition. The respondent no. 7 is directed to restore the supply of electricity to the unit of the petitioner immediately subject to payment of necessary charges."

Photocopy of the aforesaid order dated 26.11.2009 is annexed hereto and marked with letter "A-13".

xxiii. That your applicant states that in compliance to the aforesaid order dated 26.11.2009, the West Bengal State Electricity Distribution authority was issued a reminder notice dated 29.06.2010 to the Dipak Kumar Das with the request to submit the relevant authentic documents against the above plot of land (Plot No. 164, Kh. 157, J.L. No. 92, Mouza-Meghadangar) immediately within 7 days.

Photocopy of the reminder notice dated 24.06.2010 is annexed hereto and marked with letter "A-14".

xxiv. That your applicant states that thereafter on 28.12.2010, the West Bengal State Electricity Distribution Company, Panskura, Purba Medinipur informed to the Divisional Manager, Tamluk (D) Division about the physical disconnection to the industrial premises of Biswanath Bani Mill (Prop. Dipak Kr. Das) earing consumer No. 1800312 at



Rashmi Singh Mahapatra

Village and P.O.- Megbadangar, P.S.- Panskura, Dist.-Purba Medinipur has been effected by us along with police personnel of Panskura Police Station.

Photocopy of the letter dated 28.12.2010 is annexed hereto and marked with letter "A-15".

xxv. That your applicant states that against the aforesaid letter vide memo No. PKU-5499(VII) dated 28.12.2010 issued by the West Bengal State Electricity Distribution Company, Panskura, Purba Medinipur, Dipak Kumar Das filed a writ application being W.P. No. 460 (w) of 2011 before the Hon'ble High Court, Calcutta.

xxvi. That your applicant states that on 14.01.2011, the aforesaid writ application came up before His Lordship the Hon'ble Justice Jayanta Kumar Biswas (As His Lordship Then Was) for consideration and after hearing the said writ application His Lordship was pleased to dispose of the writ application by passed an order inter alia that -

"In view of the fact that the petitioner has no right to take Electricity from any pole at the place in question, I do not find any reason to direct the licensee to reconnect his supply."

Photocopy of the order dated 14.01.2011 is annexed hereto and marked with letter "A-16".

xxvii. That your applicant states that against such order dated 14.01.2011 passed by the Hon'ble Justice Jayanta Kumar Biswas (As His Lordship Then was) in W.P No. 460 (w) of 2011, Dipak Kumar Das filed a Memorandum of Appeal being M.A.T No. 622 of 2011 along with an application for condonation of



Rashmanta Mondal

delay being C.A.N No. 4511 of 2011 before the Hon'ble High Court Calcutta.

xxviii. That your applicant states that on 26.08.2011 the aforesaid a Memorandum of Appeal being M.A.T No. 622 of 2011 along with an application for condonation of delay being C.A.N No. 4511 of 2011 came before their Lordships the Hon'ble Justice Pinaki Candra Ghosh (As His Lordship Then Was) and the Hon'ble Justice Soumen Sen for consideration and after hearing the said appeal their Lordship were pleased to dispose of the said appeal by passed an order inter alia that -

“In view of that, we find that the petitioner/appellant herein is entitled to have the supply of electricity, if he applies before the Licensing Company and complies with all the formalities which have been followed by them.

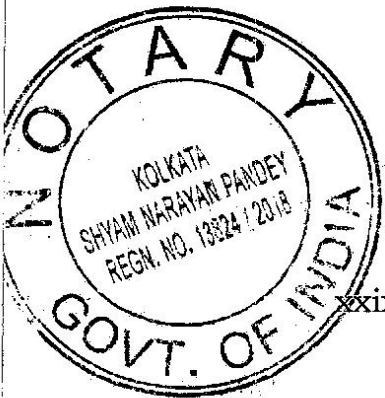
In view of that, we only dispose of the appeal directing the Licensing Company to effect supply to the writ petitioner/appellant herein after compliance of all the formalities within a period of six weeks from the date of such compliance.”

Photocopy of the order dated 26.08.2011 is annexed hereto and marked with letter “A-17”.

xxix. That your applicant states that against the order dated 26.11.2009 passed in W.P. No. 10855 (w) of 2009, the petitioner filed a Memorandum of Appeal before the Hon'ble High Court Calcutta being F.M.A. No. 1438 of 2014.

xxx. That your applicant states that on 04.09.2014 the aforesaid Memorandum of Appeal being F.M.A. No. 1438 of 2014 was come up before the Hon'ble Chief Justice Manjula Chellur (As

Rashmi K. Mishra



Her Ladyship Then was) and the Hon'ble Justice Banerjee (As His Lordship Then was) for consideration. After hearing the said matter their Lordships was pleased to pass an order inter alia that-

"In the present appeal, as the subject-matter of the writ petition was only with regard to restoration of electricity, we are of the opinion that nothing remains in this matter for consideration. We father make it clear that the learned Single Judge has made it clear that if there is any encroachment, any government land the electricity supply should be disconnected."

Photocopy of the order dated 04.09.2014 is annexed hereto and marked with letter "A-18"..

xxxi. That your applicant states that in compliance with the aforesaid order dated 04.09.2014 passed in F.M.A. No. 1438 of 2014, the A.E. & Station Manager, Panskura issued a letter dated 12.12.2014 to the B.L.& L.R.O, Panskura-I with the request to supply authenticated documents to identify the land of the industry on Govt. property or not for disconnection of the electricity line.

Photocopy of the letter dated 12.12.2014 is annexed hereto and marked with letter "A-19".

xxxii. That your applicant states that due to illegal and arbitrary action on the part of the concerned B.L.&.L.R.O not supply the authentication of records in respect of the Sri Dipak Kr. Das, Prop. Of Biswanath Bani Mill Mouza- Meghadangar, Plot No. 164, Kh. No.- 157, J.L. No. 92, your applicant was filed a writ



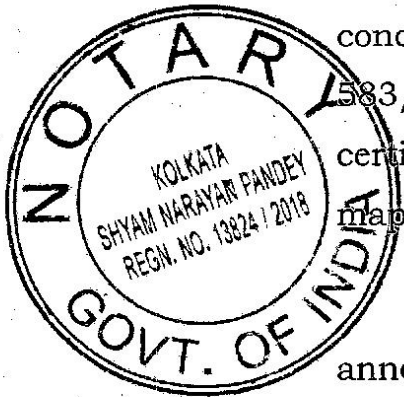
Shyam Narayan Pandey

application being W.P. No. 3284 (w) of 2015 before the Hon'ble High Court, Calcutta.

xxxiii. That your applicant states that on 25.02.2015 the aforesaid writ application came before the Hon'ble Justice Sambuddha Chakraborty (As His Lordship Then was) for consideration. After hearing of the said writ application His Lordship was pleased to dispose of said application by passing an order upon the direction the respondent No. 7 to submit the documents as wanted by the appropriate authority within a period of four weeks from the date of communication of the order.

Photocopy of the order dated 25.02.2015 is annexed hereto and marked with letter "A-20".

xxxiv. That your applicant states that the concerned B.L.&.L.R.O, Panskura-I supplied the authentication of records to the concerned A.E. & Station Manager, Panskura vide Memo No. 583/Pans-I dated 04.06.2015 along with enquiry report, certified copy of the record of rights of plot No. 164 and hand map.



Photocopy of the letter dated 04.06.2015 along with all annexure are annexed hereto and marked with letter "A-21".

xxxv. That your applicant states that thereafter your applicant made a complaint before the West Bengal Pollution Control Board against the said Biswanath Bani Mill and on the basis of the said complaint on 19.01.2015 the concerned Board passed an order with the liberty to the Learned Advocate of the complaint to approach the appropriate authority to get redressal of the

Rashmish Mary

environmental problems arising out of alleged husking mill (M/s Biswanath Bani Mill).

Photocopy of the order dated 19.01.2015 is annexed hereto and marked with letter "A-22".

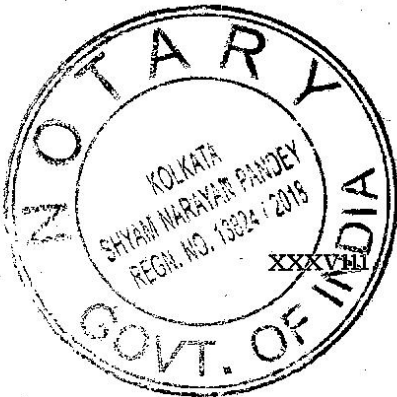
xxxvi. That your applicant states that on 29.06.2015 the Regional Manager, W.B.S.E.D.C.L Tamluk was pleased to direct the Divisional Manager, Tamluk (D) Division through letter dated 29.06.2015 vide Memo No. ROPM/E-27A(TDD), copy forwarded, to disconnect the Electricity line of Biswanath Bani Mill.

Photocopy of the letter dated 29.06.2015 is annexed hereto and marked with letter "A-23".

xxxvii. That your applicant states that on 13.01.2016 the concerned Electricity Authority disconnected the electricity line of Biswanath Bani Mill as per High Court's order passed in F.M.A. 1438 of 2014 with the aid of the police, Panskura P.S.

Photocopy of the letter dated 13.01.2016 is annexed hereto and marked with letter "A-24".

That your applicant states that by challenging of the aforesaid disconnection of such electricity, the proprietor of said M/s. Biswanath Bani Mill namely Dipak Kr. Das moved an application under Article 226 of the Constitution of India before His Lordship the Hon'ble Justice Dr. Sambuddha Chakrabarti (As His Lordship Then was) on 26.04.2016 being W.P. No.7648 (W) of 2015. The aforesaid writ petition was dispose of with the direction inter alia upon the Station Manager to take a decision in the matter after giving the petition an opportunity of being heard and the documents on



Rashmika Mahapatra

which the licensee wants to rely on should be formally proved after giving a copy of the same to the petitioner with the further direction upon the respondent No.4 to restore the Electric Connection to the petitioner within a period of seven days upon compliance of all formalities and charges.

Photocopy of the server copy of the order of the Hon'ble High Court, Calcutta dated 26.04.2016 is annexed hereto and marked with letter "A-25".

xxxix. That your applicant states that your applicant along with others filed another Public Interest Litigation (hereinafter referred to as "PIL") matter before the Hon'ble High Court, Calcutta being W.P. No.8300 (w) of 2016. The said PIL matter came up for consideration before the Hon'ble Chief Justice Manjula Chellur (As Her Ladyship then was) and the Hon'ble Justice Arijit Banerjee on 01.07.2016 and after hearing the matter the Hon'ble Division Bench was pleased to direct the Pollution Control Board shall enquire into the issue and place a report on record giving all the details whether the Mills are run in accordance with the procedure contemplated including the consent to establish and consent to operate in their favour.



Photocopy of the server copy of the order of the Hon'ble High Court, Calcutta dated 01.07.2016 is annexed hereto and marked with letter "A-26".

xl. That your applicant states that the West Bengal Pollution Control Board on 11.08.2016 made an investigation as per order of the Hon'ble High Court, Calcutta dated 07.04.2017 in the matter of W.P. No.8300 (W) of 2016 (Raghunath Maity -Vs- State of West Bengal & Ors.) of Biswanath Bani Mill at the time of inspection the said Biswanath Bani Mill was closed

Raghunath Maity

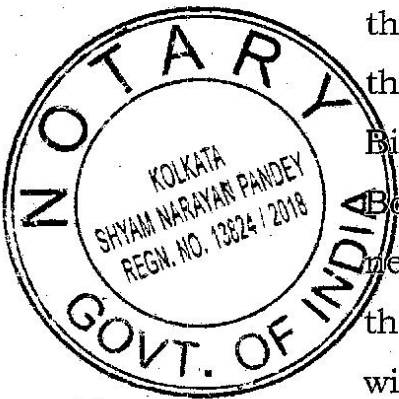
and/or not in operation which evident from the inspection report dated 11.08.2016 as such the enquiry officer opined that no pollution is occurred by Biswanath Bani Mill and the said Biswanath Bani Mill has no order of consent to operate and consent to establish and Dipak Kumar Das failed to produce the said Certification during the inspection and the said Biswanath Bani Mill is running for different works for wheat grinding, Rice Milling, Chilling and Halud grinding and Mustard Seed grinding and where of crust Dal like Musur and he operates the grinding Diesel Machine at the time of load shedding as such it is required further inspection.

Photocopy of the inspection report dated 11.08.2016 is annexed hereto and marked with letter "A-27".

- xli. That your applicant states that the aforesaid PIL matter being W.P. No. 8300 (W) of 2016 was finally heard by the Division Bench on 07.04.2017 presided over by the Hon'ble Acting Chief Justice Nishita Mhatre (As Her Ladyship Then was) and the Hon'ble Justice Tapabrata Chakraborty passed an order that by recording and accepting the statement made by "Mr. Bihani the Ld. Council appearing for the Pollution Control Board that the Pollution Control Board would take all steps as necessary, in accordance with law and if it is found that any of the husking mills in the area are violating the norms, action will be taken against them. He further states that not only units-mentioned in the inspection report dated 11th August, 2016 taken on record but also any other unit which may be named by Ghoshpur Gram Panchayet will be considered if it is a polluting unit".

Photocopy of the order dated 07.04.2017 is annexed hereto and marked with letter "A-28".

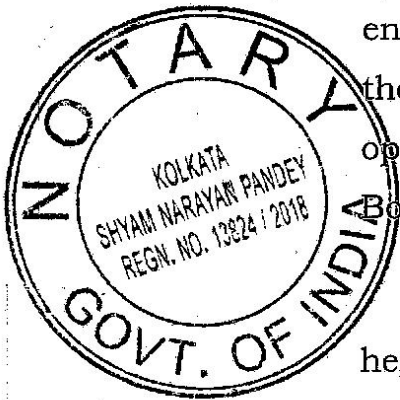
Rashmika Marip



xlii. That your applicant states that on 26.04.2017 in terms of the aforesaid order dated 07.04.2017, the Pollution Control Board Served the notice, both parties by Speed Post accordingly 11.05.2017 was fixed for hearing and submit the List of date before 18.05.2017.

Photocopy of the letter dated 26.04.2017 is annexed hereto and marked with letter "A-29".

xliii. That your applicant states that on 11.05.2017 the W.B. Pollution Control Board was pleased to pass an orders, inter alia that on a careful perusal it appear from the record that the plot No.164 & 165 belong to Irrigation Department, Government of West Bengal and recorded as Nadi Bandh and the same record is dated 04.06.2015. State Board conducted last inspection on 11.09.2016 and the same is hereby considered. It reveals from the said report that due to operation of the unit there may not be significant impact of environmental pollution on surrounding area. The activity of the unit comes under "Green category and the unit is operating without valid 'Consent to Operate of the State Board."



Photocopy of the order dated 11.05.2017 is annexed hereto and marked with letter "A-30".

xliv. That the petitioner states that after the order passed by the West Bengal Pollution Control Board dated 11.05.2017, the petitioner herein approached the police authority along with the said order, but no action has been taken by the concerned police authorities.

Rachunata Maji

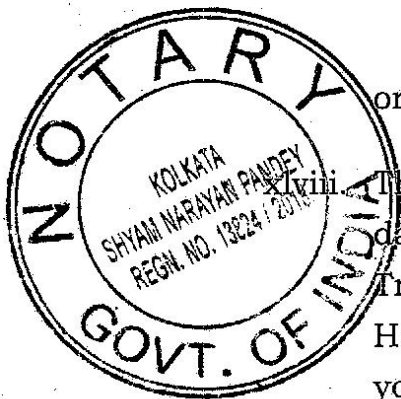
- xlv. That your applicant states that thereafter the District Magistrate forwarding his letter dated 27.06.2017 requested the Superintendent of Police, Purba Medinipur to comply with the order dated 11.05.2017 passed by the West Bengal Pollution Control Board and Court order.

Photocopy of the letter dated 27.06.2017 is annexed hereto and marked with letter "A-31".

- xlvi. That your applicant states that being aggrieved and by dissatisfied with the action on the part of the respondent authorities, the petitioner filed an application under Section 18(1) read with Section 14, 15 and 17 of the National Green Tribunal Act, 2010 before the National Green Tribunal, Eastern Zone, New Town Kolkata being O.A. No. 137 of 2017 (EZ).

- xlvii. That your applicant states that on 02.12.2019, the aforesaid original application finally heard by the Learned National Green Tribunal, Eastern Zone and the Learned Tribunal after considering the status report and all the aspect was pleased to dispose of the said original application.

Photocopy of the order dated 02.12.2019 along with whole order is annexed hereto and marked with letter "A-32".



- xlviii. That your applicant states that in compliance to the order dated 02.04.2019, passed by the Hon'ble National Green Tribunal having no document annexed to the affidavit, the Hon'ble Tribunal asked the Pollution Control Board what step you have taken against M/s. Biswanath Bani Mill, the Pollution Control Board directed the Officer-in-Charge, Panskura Police Station as also WBSEDCL authority to close Bani Mill and to disconnect the electricity connection of the said Bani Mill and on that basis the Officer-in-Charge, Panskura Police Station sealed the Bani Mill house on 09.09.2019 and on the same the WBSEDCL Authority

Rashmika Marjey

disconnected the Electricity connection of the said Mill vide Reference Panskura P.S. G.D.E. No. 392 dated 09.09.2019.

Photo copies of the order dated 02.04.2019 of the Hon'ble Tribunal and closure order with disconnection with electricity and office Memo of O/C, Panskura Police Station for sealing are enclosed herewith and marked with letter "A-33" collectively.

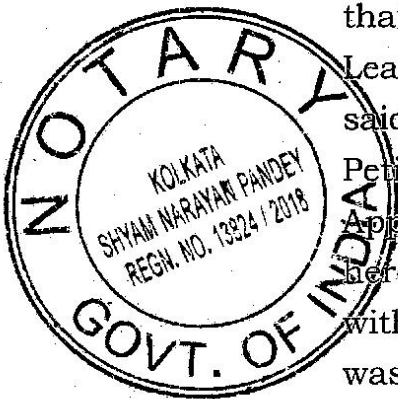
xlix. That your applicant states that since then there was no movement by the original mill owner and subsequently after the death of the sole proprietor of the said Mill namely Dipak Kumar Das, his legal heirs became the owner of the said mill and now once again they are trying to run such mill.

1. That your applicant states that all of a sudden i.e. on 03.04.2022 the local police authority came to the said Mill and de-seal the said mill/unit by violation of the order dated 02.12.2019 passed by the Learned National Green Tribunal.

ii. That your applicant states that the petitioner came to know that against the order dated 02.12.2019 passed by the Learned National Green Tribunal, the original owner of the said mill namely Dipak Kumar Das preferred a Special Leave Petition before the Hon'ble Supreme Court of India being Civil Appeal Nos. 4760-4761 of 2021. It is pertinent to mention herein that on 24.09.2021 the said Special Leave Petition was withdrawn by the applicants. However, the Hon'ble Apex court was pleased to order inter alia that needless to say that if the representation is submitted, the competent authority has to consider it in accordance with law.

Photocopy of the order dated 24.09.2021 passed in Civil Appeal Nos. 4760-4761 of 2021 is annexed hereto and marked with letter "A-34".

lii. That your applicant states that on 03.04.2022 without obtaining any approval from the competent authority and in

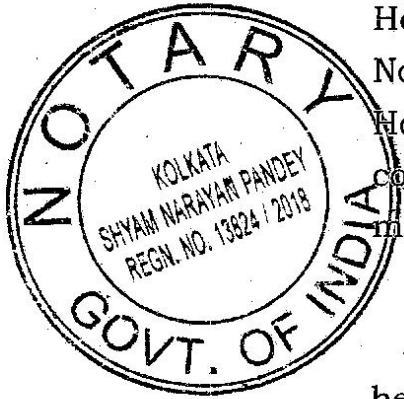


Rachunon Manj

sheer contravention of the order dated 24.09.2021 passed by this Hon'ble Court and the order 02.12.2019 passed by the Hon'ble National Green tribunal with the help of local police officials de-seal the mill. It is pertinent to mention that the private respondents through his counsel represented/communicated to the police authorities vide letter dated 11.02.2022 to de-seal/unlock the mill and contents of the letter which are in violation of the order dated 24.09.2021 passed by this Hon'ble Court.

Photocopy of the representation dated 11.02.2022 is annexed hereto and marked with letter "A-35".

- liii. That your applicant states that vide letter dated 13.04.2022 Inspector-in-Charge Pansukra Police Station, Purba Medinipur has informed the Deputy Superintendent of Police(HO) SPIO & Nodal Officer of RTI, Purba Medinipur that the door of Biswanath Bani Mill was opened under the order of the Hon'ble Supreme Court of India Vide Civil Appeal Nos.4761.2021, It is submitted that the order passed by this Hon'ble Court says the contrary and the police officials in connivance with the petitioners have illegally de-sealed the mill.



Photocopy of the letter dated 13.04.2022 is annexed herewith and marked with letter "A-36".

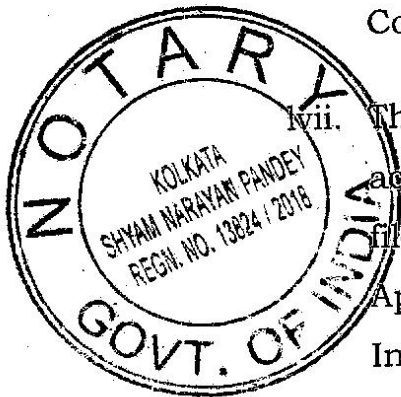
- liv. That your applicant states and submits that as per the order passed by the Hon'ble Supreme Court of India, the private respondents were required to submit the representation to the competent authority and the competent authority has to consider it in accordance with law.

Shyam Narayan Pandey

iv. That your applicant states that your applicant made an application under section 6 of Right to Information Act, 2005 before the State Public Information Officer for obtaining information about whether the legal heirs of the private respondents of the mill obtained any consent/permission from the concerned department and on 05.04.2022 the applicant received a reply from the concerned SPIO and after perusal the applicant came to know that the State Board did not issue and Consent to Establish and consent to Operate' permission in favour of the private respondents.

Photocopy of the RTI reply dated 05.04.2022 is annexed herewith and marked with letter "A-37".

lvi. That your applicant submits that the private respondents are now trying to run mill illegally without obtaining any permission i.e. Consent to Establish and Consent to Operate and violation of Air and Sound Pollution Act. The said acts by the private respondents are nothing but the contravention of the order dated 24.09.2021 passed by the Hon'ble Supreme Court of India.



lvii. That your applicant states that against such illegal act and activities of the private respondents herein, your applicant filed an Interlocutory Application being Interlocutory Application No. of 2022 before the Hon'ble Supreme Court of India with the prayer to direct the Competent authorities to seal the mill with immediate effect.

Creve leave to produce the Interlocutory application of the applicant before the Hon'ble Supreme Court of India at the time of hearing of this application, if necessary.

Raghunath Mantry

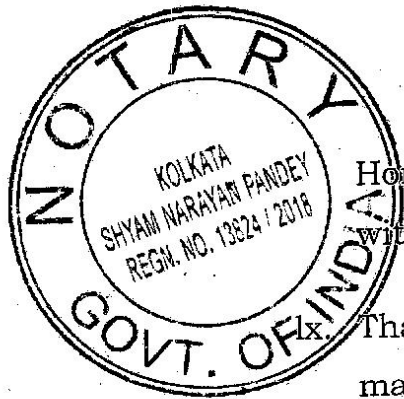
lviii. That your applicant states that in connection with the aforesaid Interlocutory application, the private respondents filed affidavit in reply against such application before the Hon'ble Supreme Court of India.

Photocopy of the affidavit in reply is annexed hereto and marked with letter "A-38".

lix. That your applicant states that on 04.11.2022 the aforesaid interlocutory application came up for consideration before the Hon'ble Supreme Court of India and after hearing the parties There Lordships were pleased to dismiss of the aforesaid application by passing following order inter alia that -

"Having heard learned counsel for the parties and having perused the record, we are of the considered view that no direction can be issued further to the Order dated 24.09.2021. Therefore, application for Direction is dismissed. However, liberty is reserved to the applicant(s) to initiate appropriate action in accordance with law."

Photocopy of the order dated 04.11.2022 passed by the Hon'ble Supreme Court of India is annexed hereto and marked with letter "A-39".



That your applicant states that on 30.11.2022 your applicant made an RTI application before the GM-DIC, Purba Medinipur regarding knowing whether the M/S Biswasnath Bani Mill, Pro.-Subhankar Das has issued any consent to operate in favour of him or not. On 10.01.2023 the concerned authority informed to the application through letter vide memo No. 708/DIC/RTI/22-23 dated 10.01.2023 inter alia that status of 'Consent to operate' of M/S- Biswanath Bani Mill, Pro-

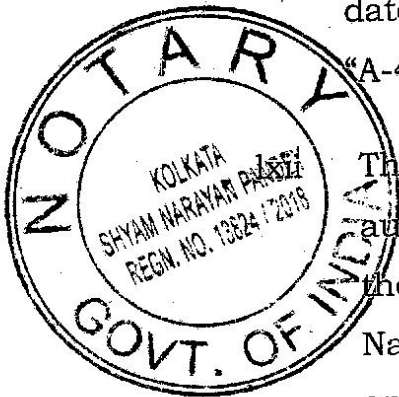
Biswanath Manj

Subhankar Das of Vill. & P.O.- Meghadangar, P.S.- Panskura,
Dist.- Purba Medinipur, Pin- 721152 is "Rejected".

Photocopy of the letter vide memo No. 708/DIC/RTI/22-
23 dated 10.01.2023 is annexed hereto and marked with letter
"A-40".

lxi. That it is stated here that the private respondent Mill owner is taking step to run the said Mill and applied to the WBSEDCL authority to restore the Electricity line in the Mill premises which was disconnected by the order of this Hon'ble Green Tribunal . and A.E./Station Manager Pratappur Customer Care Centre rejected the prayer for reconnection the Mill premises in certain grounds and in this way by violating the order of the Hon'ble National Green Tribunal again and again in different way to win the bad game by suppression all facts.

Copy of letter being Memo No. PTP/Court Case /902 dated 6.7.2022 is enclosed herewith and marked as Annexure "A-41".



That your applicant submits that the concerned police authorities have acted beyond its jurisdiction by de-sealing the said Mill in contravention with the order of the Learned National Green Tribunal, Eastern Zone and without having any order either from the administrative corner or from any judicial order, as such the action on the part of the concerned police authority is illegal, arbitrary, malafide and cannot be sustainable in the eye of law.

lxiii That your applicant submits that the attempt on the part of the concerned respondents for running the said Mill of their

Rashmika Maraj

predecessor is absolutely illegal in view of the facts and circumstances that till date the concerned respondents failed to obtain Consent to Operate and Consent to Establish from the respective competent authority in respect of the said Mill and in absence of such permission attempt of continuation to run such Mill is de-horse to the provision prevailing for the running of the said Mill and assistance in the illegal activities of the private respondents by the concerned police authorities is highly illegal and the act and/or action on the part of the concerned police authorities regarding de-seal the said Mill cannot sustain in the eye of law.

- lxiv. That your applicant submits that it is admitted position and facts that the said Mill has been set up by the predecessor of the private respondents on a plot/ land which is situated on an embankment and the said land/property belong to Irrigation Department Government of West Bengal, as such there is no scope to issue any permission for Consent to Operate and Consent to Establish by any competent authority and the aforesaid position has already been settled by the Hon'ble Court, the Tribunal and by the competent authority, as such the action on the part of the concerned police authority is illegal, arbitrary, malafide and cannot sustain in the eye of law.



lxv.

That your applicant submits that the concerned police authorities before de-seal the said Mill have failed to consider that the searching report obtained from the B.L.&.L.R.O., Panskura-I categorically show that the said plot No.- 164 and 165, Mouza- Meghadangar, J.L. No.- 92, Khatian No.- 157 belong to respondent No. 5 herein namely Irrigation and Water Ways Department, Govt. of West Bengal and the

Kanchanmata Majumdar

subject plot of land is river bandh (Embankment) and in compliance with the order dated 18.11.2005 in connection with W.P. No. 17547 (w) of 2005 the unauthorized constructions were demolished from the river bandh with the aid of police help. Therefore, the action on the part of the concerned police authorities regarding de-seal the said Mill in spite of knowing the aforesaid several litigation and illegal and unauthorized acts and activities of the said Mill and its proprietors, the action on the part of the concerned police authorities is highly illegal.

5. GROUNDS :

- I. For that the respondent police authorities are under the statutory obligation to perform their statutory duties and/or obligation in accordance with law.
- II. For that the respondent police authorities ought to have enquired into the matter before de-seal the said Mill.
- III. For that the respondent police authorities ought to have comply the order dated 27.05.2019 and 02.12.2019 passed by the National Green Tribunal, Eastern Zone, in O.A. No. 137 of 2017 (EZ).



For that the action and/or in-action on the part of the respondent police authorities are arbitrary, malafide and in violation of Article 21 of the Constitution of India.

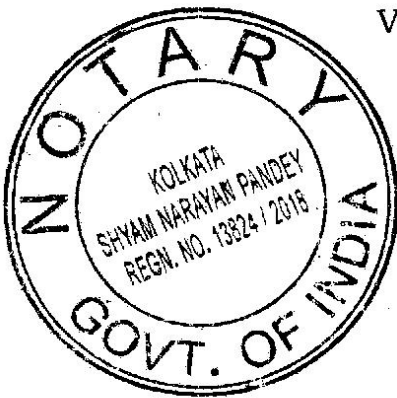
- V. For that the concerned police authorities have acted beyond its jurisdiction by de-sealing the said Mill in contravention with the order dated 27.05.2019 and 02.12.2019 of the Learned National Green Tribunal,

Rashmika Mishra

Eastern Zone and without having any order either from the administrative corner or any judicial order, as such the action on the part of the concerned police authority is illegal, arbitrary, malafide and cannot sustain in the eye of law.

VI. For that the attempt on the part of the concerned respondents for running the said Mill of their predecessor is absolutely illegal in view of the facts and circumstances that till date the concerned respondents failed to obtain Consent to Operate and Consent to Establish from the respective competent authority in respect of the said Mill and in absence of such permission attempt of continuation to run such Mill is de-horse to the provision prevailing for the running of the said Mill and the assist in the illegal activities of the private respondents by the concerned police authorities is highly illegal and the act and/or action on the part of the concerned police authorities regarding de-seal the said Mill cannot sustain in the eye of law.

VII. For that it is admitted position and facts that the said Mill has been set up by the predecessor of the private respondents on a plot/ land which is situated on an embankment and the said land/property belong to Irrigation Department Government of West Bengal, as such there is no scope to issue any permission for Consent to Operate and Consent to Establish by any competent authority and the aforesaid position has already been settled by the Hon'ble Court, the Tribunal and by the competent authority, as such the action on the



Rashmish Maitra

part of the concerned police authority is illegal, arbitrary, malafide and cannot sustain in the eye of law.

VIII. For that the applicant made an application under section 6 of Right to Information Act, 2005 before the State Public Information Officer for obtaining information about whether the legal heirs of the private respondents of the mill obtained any consent/permission from the concerned department and on 05.04.2022 the applicant received a reply from the concerned SPIO and after perusal the applicant came to know that the State Board did not issue and Consent to Establish to Operate' permission in favour of the private respondents.

IX. For that the concerned police authorities before de-seal the said Mill have failed to consider that the searching report obtained from the B.L.&.L.R.O., Panskura-I categorically show that the said plot No.- 164 and 165, Mouza- Meghadangar, J.L. No.- 92, Khatian No.- 157 belong to respondent No. 5 herein namely Irrigation and Water Ways Department, Govt. of West Bengal and the subject plot of land is river bandh (Embankment) and in compliance with the order dated 18.11.2005 in connection with W.P. No. 17547 (w) of 2005 the unauthorized constructions were demolished from the river bandh with the aid of police help. Therefore, the action on the part of the concerned police authorities regarding de-seal the said Mill in spite of knowing the aforesaid several litigation and illegal and unauthorized acts and activities of the said Mill and its proprietors, the action on the part of the concerned police authorities is highly illegal.



Rachumata Manjya

- X. For that status of 'Consent to operate' of M/S- Biswanath Bani Mill, Pro- Subhankar Das of Vill. & P.O.- Meghadangar, P.S.- Panskura, Dist.- Purba Medinipur, Pin- 721152 is "Rejected"
- XI. For that the respondent police authorities did not perform their statutory duties in accordance with law and the Hon'ble Apex never give direction or permission to the police authority to de-seal the Unit, as such the letter of intimation by stating that the Unit has been de-seal as per Hon'ble Supreme Court's order is misled and illegal communication and such the same is also liable to be set-aside.

6. LIMITATION :

The respondent unit does not have CTE or CTO from WBPCB as on date and is functioning illegally without necessary approvals and clearances. Hence there is a continuing cause of action and the application is well within the period of limitation according to the National Green Tribunal Act, 2010.

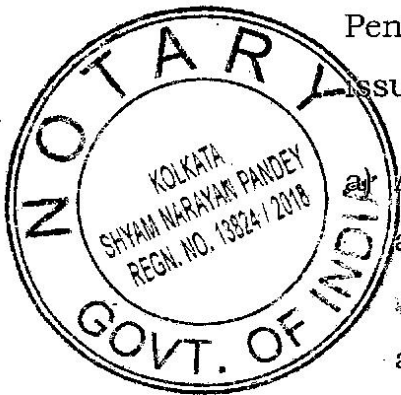
7. INTERIM PRAYER :

Pending final disposal of the application the applicant seeks issuance of the following interim orders :

- a) An interim order of direction upon the State respondent authorities to ensure that the private respondent No. 6 cannot run the M/S- Biswanath Bani Mill situated at at P.S.- Panskura, Mouza- Meghadangar, J.L No.- 92, Dag No.- 164, within the District- Purba Medinipur, Pin- 721152 till the disposal of this application ;

- b) Ad-interim order in terms of prayers (a) as above.

Rashwanath Misra



8. PRAYER :

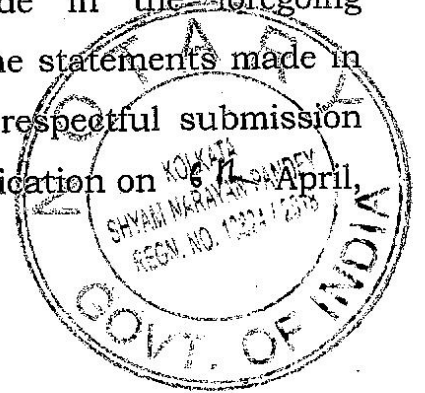
- a) A direction upon the respondent authorities particularly the respondent No. 3 to seal the M/S- Biswanath Bani Mill situated at P.S.- Panskura, Mouza- Meghadangar, J.L No.- 92, Dag No.- 164, within the District- Purba Medinipu forthwith ;
- b) A direction upon the respondent authorities to restore the law and order and/or orders as passed by the National Green Tribunal, Eastern Zone, New Town Kolkata in O.A. No. 137 of 2017 (EZ) forthwith ;
- c) A direction upon the respondent authorities to produce all the relevant records of the present case, so that conscionable justice may be rendered between parties ;
- d) Any other appropriate direction/directions and/or order/orders as this Hon'ble Tribunal may deem fit and proper ;



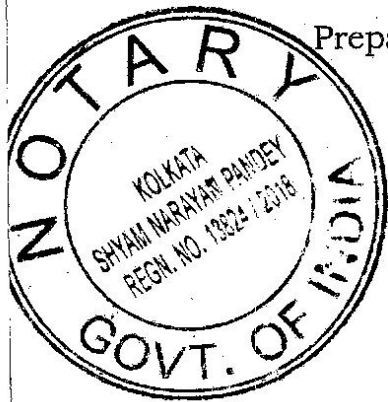
Shyam Narayan Pandey

Sl. No. 18 dt 11.05.2023 **VERIFICATION**

I, Raghunath Maity, Son of Late Bibhuti Bhusan Maity, aged about 55 years, by faith-Hindu, by occupation- Service, Residing at Residing at Village + P.O.- Meghadangar, P.S.-Panskura, District- Purba Medinipur, Pin-721152, do hereby declare and say that I am the applicant of the instant application and as such I am well acquainted with the facts and circumstances of this case and I am competent to verify for self and I have not suppressed any material facts before this Learned Tribunal and the statements made in the foregoing paragraphs are true to my knowledge except the statements made in paragraphs Nos. 4(i) to 4(lxiii) which are my respectful submission before this Hon'ble Tribunal and I sign this verification on 5th April, 2023 at my Advocate Chamber.



Prepared in my office.



For the Scribe
Advocate.

Raghunath Maity
Signature of the Applicant

Identified by me.

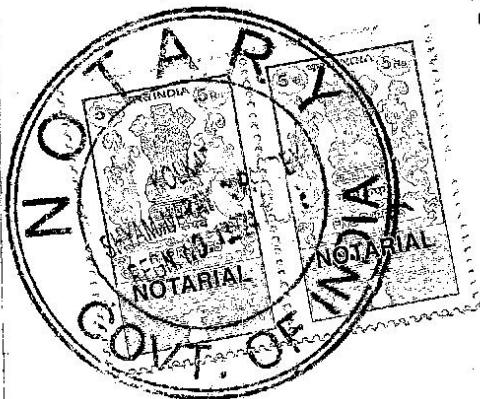
For the Scribe
Advocate.

Solemnly Affirm & Declared
Before Me an Identification
of Ld. Advocate

Scribe
SHYAM NARAYAN PANDY
NOTARY, GOVT. OF INDIA
REGN. NO. 18824/2018

11.05.2023

11 MAY 2023



BANGLA TO ENGLISH TRANSLATION

1106092

- Plot Information -

District - Purba Medinipur Block - Panskura - 1 Mouza - Meghadangar
 J. L. No - 92 Plot No - 164 Nature - Bandh Area Measuring (A) - 1.83

Khatian No	Nature of Land	Share	Share Area (Acre)	Owner Details	Possession Details
157		1.0000	1.83	Irrigation and Water Ways Department Govt. of West Bengal	

1.0000	1.83
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Process Fee-Rs. 2 Addl. Cost : 1x Rs.2=Rs.2, Total-Rs.4
 Pl. Copy - 2280

BANGLA TO ENGLISH TRANSLATION

1106092

- Plot Information -

District - Purba Medinipur Block - Panskura - 1 Mouza - Meghadangar
 J. L. No - 92 Plot No - 164 Nature - Bandh Area Measuring (A) - 1.83

Khatian No	Nature of Land	Share	Share Area (Acre)	Owner Details	Possession Details
157		1.0000	1.83	Irrigation and Water Ways Department Govt. of West Bengal	
		1.0000	1.83		



Process Fee-Rs. 2 Addl. Cost : 1x Rs.2=Rs.2, Total-Rs.4
 Pl. Copy - 2280

- দাগের তথ্য -

জেলা- পূর্ব মেদিনীপুর

ব্লক- পাশকুড়া - ১

মৌজা- মেবাদাঙ্গর

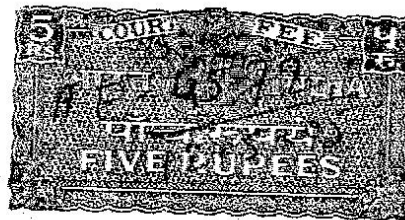
জে.এল.নং- ৯২

দাগ নং- ১৬৪

শ্রেণী- বাধ

জমির পরিমাণ(এ)- ১.৮৩

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	স্বত্বের বিবরণ	দখলদারের বিবরণ
১৫৭		১.০০০০	১.৮৩	পশ্চিমবঙ্গ পক্ষে ইরিগেশান এন্ড পিত্তা-ওয়ার্ডার ওয়েজ সাং-ডিপার্টমেন্ট	
		<u>১.০০০০</u>	<u>১.৮৩</u>		



- 37 -

BANGLA TO ENGLISH TRANSLATION

1106092

- Plot Information -

District - Purba Medinipur

Block - Panskura - 1

Mouza - Meghadangar

J. L. No - 92

Plot No - 165

Nature - Bandh

Area Measuring (A) - 0.33

Khatian No	Nature of Land	Share	Share Area (Acre)	Owner Details	Possession Details
157		1.0000	0.33	Irrigation and Water Ways Department Govt. of West Bengal	
		1.0000	0.33		



Process Fee-Rs. 2 Addl. Cost : 1x Rs.2=Rs.2, Total-Rs.4
Pl. Copy - 2281

- দাগের তথ্য -

১৯৭৩

জেলা- পূর্ব মেদিনীপুর

ব্লক- পশ্চিকুড়া - ১

মৌজা- মেঘাজাঙ্গার

জে.এল.নং- ৯২

দাগ নং- ১৬৫

শ্রেণী- বাঁধ

জমির পরিমাণ(এ)- ০.৩৩

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের বিবরণ	দখলদারের বিবরণ
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১৫৭

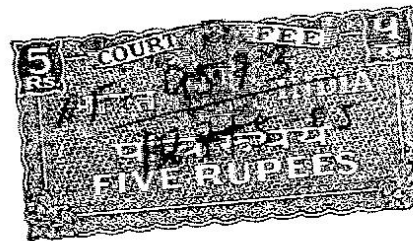
১.০০০০

০.৩৩

পশ্চিমবঙ্গ পক্ষে ইরিজেশান এন্ড
পিতা-ওয়টার ওয়েজ
সাব-ডিসার্টমেন্ট

১.০০০০

০.৩৩



- Plot Information -

District - Purba Medinipur

Block - Panskura - 1

Mouza - Meghadangar

J. L. No - 92

Plot No - 163

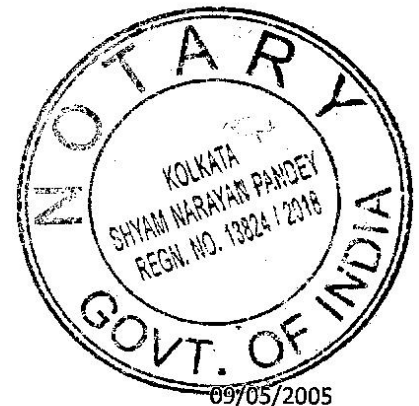
Nature - NayanJuli

Area Measuring (A) - 0.78

Khatian No	Nature of Land	Share	Share Area (Acre)	Owner Details	Possession Details
157		1.0000	0.78	Irrigation and Water Ways Department Govt. of West Bengal	
		1.0000	0.78		

Process Fee-Rs. 2 Addl. Cost : 1x Rs.2=Rs.2, Total-Rs.4

Pl. Copy - 2282



- দাগের তথ্য -

জেলা- পূর্ব মেদিনীপুর

ব্লক - পাঁশকুড়া - ১

মৌজা- মেঘাডাঙ্গার

জে.এল.নং- ১২

দাগ নং- ১৬৩

শ্রেণী- নয়নজুলি

জমির পরিমাণ(এ)- ০.৭৮

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	স্বায়ত্বের বিবরণ	দখলদারের বিবরণ
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১৫৭

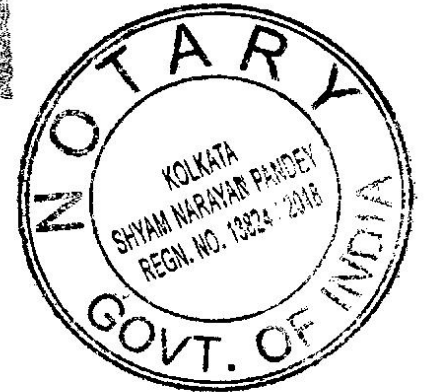
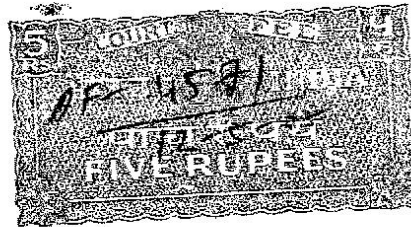
১.০০০০

০.৭৮

পশ্চিমবঙ্গ পক্ষে ইরিজেশান এন্ড
স্বিতা-ওয়টার ওয়েজ
সং-ডিপার্টমেন্ট

১.০০০০

০.৭৮



BANGLA TO ENGLISH TRANSLATION

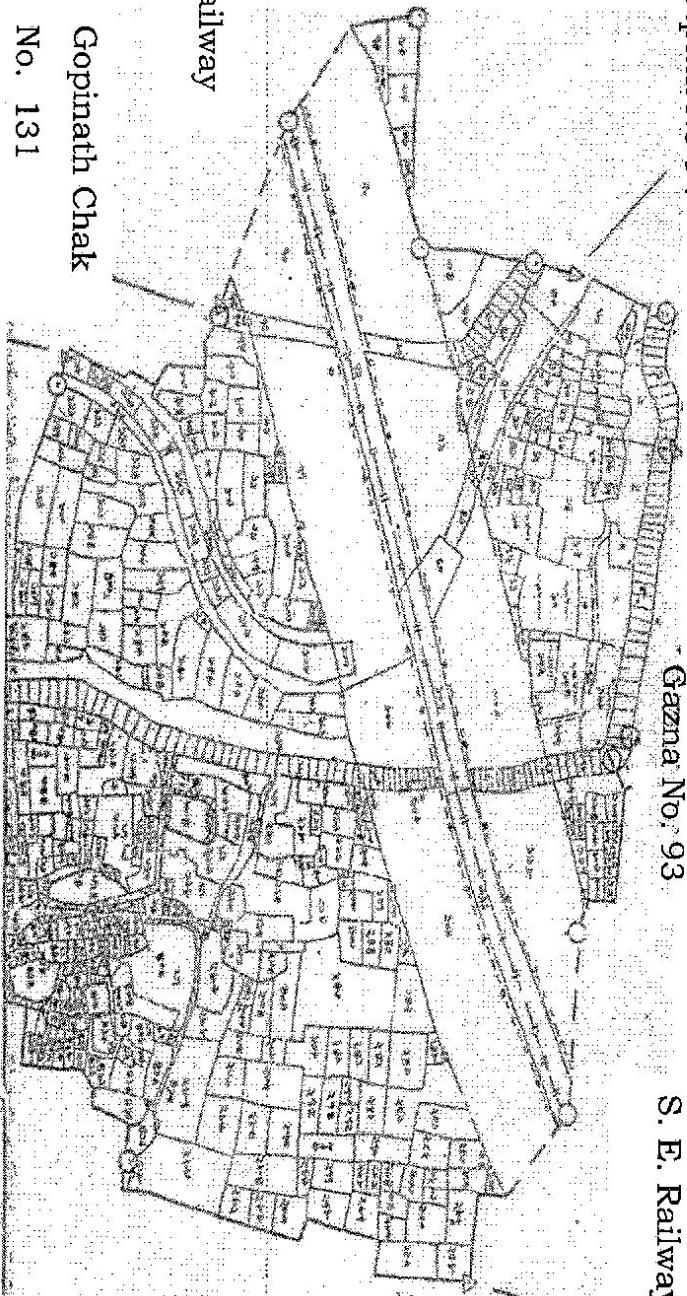
Gotpata No 94

Gazna No. 93

S. E. Railway

S. E. Railway

Gopinath Chak
No. 131



Bakhrabaj
No. 91

MOUZA - MEGHADANGAR
J.L. NO. 92
POLICE STATION - PANSKURA
RE. SA NO. 760,
DISTRICT - MEDINIPUR
SCALE 16"=1 MILE
OR
1:3960



LEGIBLE COPIES

Annexure -A-2

SANCTIONAL OFFICER
COSSYE (IRRIGATION) SECTION
PANSKURA : MIDNAPUR

Memo No. 44C

Dated 19.4.05

To

M/s. Biswanath Bank Mill,
S/o. Dipak Kumar Das,
Vill.- Bakrabaj, P.O.- Meghadangar,
Dist.: Purba Medinipur,

Sub: Unauthorised and illegal construction over the river embankment of
Kherai Left at Mouza- Meghadangar.

Sir,

It is learned that my/our have construct an illegal structure Pacca
House Approx 20' X 18' on the left embankment of river Kherai at Mouza
Meghadangar in this structure, maybe entry flood water through the pot
holes and not holes, which is very dangerous during the flood period.

So, for safety and stability of the embankment, you are hereby
requested, to remove the structure within seven days immediately.
Otherwise legal action will be taken against you and you will be liable to
every mishap during flood period.

Thanking you,

Sd/- Illegible
19.4.05
Sectional Officer
Cossye (I) Section

Memo No.

Dated .

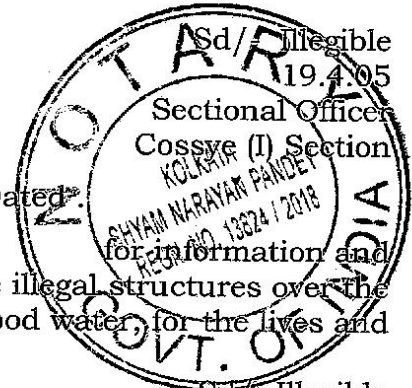
Copy forwarded to the :-

1. S.D.O. Panskura (Irrign) Sub-Division No. II.
2. Savapati, Panskura panchayet Samity, Panskura-I,
3. Officer-in-Charge, Panskura Police Station for information and
necessary action.

Memo No.

Dated.

Copy forwarded to Anchal Pradhan
he is requested to take necessary steps to stop the illegal structures over the
River embankment which may cause to entry of flood water, for the lives and
properties on the protected areas will be in danger.



Sd/- Illegible
Sectional Officer
Coadys(1) Section

SECTIONAL OFFICER,
COSSYE (IRRIGATION) SECTION,
PANSKURA - MIDHAPUR.

Dated: 19.4.05

To M/s Biswanath Bani Mill.
Dipok Kumar Das.
vill - Bakrabaj
P.O. Meghadangar

Sub :- Unauthorised and illegal construction over the river
embankment of Kherai left at mouza - Meghadangar

Sir,

It is learned that you have construct an illegal structure Pucca house
on the Left- embankment of river Kherai at Mouza
Meghadangar in this structure, may be entry flood water
through the pot holes and rat holes, which is very dangerous
during the flood period.

So, for safety and stability of the embankment, you are hereby
requested, to remove the structure within seven days immediately.
Otherwise legal action will be taken against you, and you will be
liable to every mishap during flood period.

Thanking you,

Sectional Officer
Cossye (I) Section

Memo No.

Dated.

Copy forwarded to the :-

1. S.D.O. Panskura (Irr.) Sub-Division No-II.
2. Savapati, Panskura Panchayet Samity, Panskura-I.
3. Officer-in-Charge, Panskura Police Station; For information
and necessary action.

Memo No.

Dated.

Copy forwarded to Anchal Bisshar
and he is requested to take necessary steps to stop the illegal
structures over the River embankment which may cause to entry of
flood water, for the lives and properties on the protected area
will be in danger.



LEGIBLE COPIES

SANCTIONAL OFFICER
COSSYE (IRRIGATION) SECTION
PANSKURA : MIDNAPUR

Memo No. 54C

Dated 06.05.05

To
M/s. Biswanath Bank Mill,
S/o. Dipak Kumar Das,
Vill.- Bakrabaj, P.O.- Meghadangar,
Dist.: Purba Medinipur,

Sub: Unauthorised and illegal construction over the river embankment of
Kherai Left at Mouza- Meghadangar.
Reminder Reference No. 44C dt- 19.4.05.

Sir,

It is learned that my/our have construct an illegal structure Pacca House Approx 20' X 18' on the left left embankment of river Kherai at Mouza Meghadangar in this structure, maybe entry flood water through the pot holes and not holes, which is very dangerous during the flood period.

So, for safety and stability of the embankment, you are hereby requested, to remove the structure within seven days immediately. Otherwise legal action will be taken against you and you will be liable to every mishap during flood period.

Thanking you,

Sd/- Illegible
06.5.05
Sectional Officer
Cossye (I) Section

Memo No.

Dated .

Copy forwarded to the :-

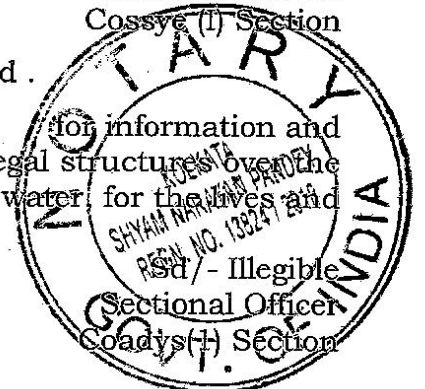
1. S.D.O. Panskura (Irrign) Sub-Division No. II.
2. Savapati, Panskura panchayet Samity, Panskura-I,
3. Officer-in-Charge, Panskura Police Station for information and necessary action.

Sd/- Illegible
19.4.05
Sectional Officer
Cossye (I) Section

Memo No.

Dated .

Copy forwarded to Anchal Pradhan
he is requested to take necessary steps to stop the illegal structures over the River embankment which may cause to entry of flood water for the lives and properties on the protected areas will be in danger.



OFFICE OF THE
SECTIONAL OFFICER,
COSSYE (IRRIGATION) SECTION,
PANSKURA MIDIAKUR.

Memo No. 54

Dated. 6.5.05

To: M/S Biswanath Banu Mill.
el-0-Depok Ramour Das
Mill- Bakrabaj P.O- Meghadangar.
Dist- Purba Medinipur.

Sub: - Unauthorized and illegal construction over the river
embankment, of Kherai Left at Mouza Meghadangar.

Sir, Reminder Ref Memo No - 44 dt- 19.4.05.

It is learned that, you have construct an illegal structure Pacca House
on the Left embankment of river Kherai at Mouza Approx - 20' x 18'
Meghadangar in this structure, may be entry flood water
through the pot holes and rat holes, which is very dangerous
during the flood period.

So, for safety and stability of the embankment, you are hereby
requested, to remove the structure within seven days immediately.
Otherwise legal action will be taken against you, and you will be
liable to every mishap during flood period.

Thanking you.

Roh 6.5.05

Sectional Officer,
Cossye (I) Section

Memo No.

Dated.

- Copy forwarded to the :-
1. S.D.O. Panskura (Irr.) Sub-Division No-II.
 2. Suvapati, Panskura Panchayet Samity, Panskura-I.
 3. Officer-in-Charge, Panskura Police Station For information
and necessary action.

Memo No.

Dated.

Copy forwarded to Anchal P. Lohan
and he is requested to take necessary steps to stop the illegal
structures over the River embankment which may cause
flood water, for the lives and properties on the protected
will be in danger.



LEGIBLE COPIES

To
The Sub-Divisional Officer
(Irrigation), Panskura-II,
Panskura, Purba Medinipur
Pin No. 721139

Subject : Prayer for removal of pucca house and not to effect the Electricity connection on the Government River Bandh.

Enquire and to take appropriate step.

Sir,

Sd/-
Madhusudan Mondal,
12.0.2005
Karmadhakhya, Krishi & Sech Unnayan Samity, Panskura-I Panchayet Samity.

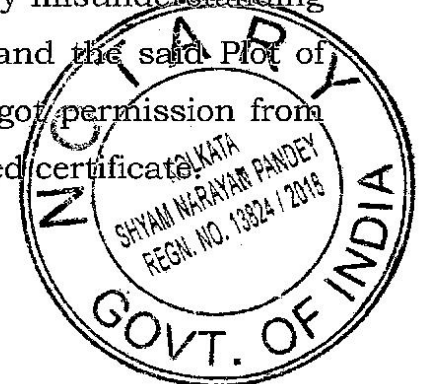
With due respect We, the undersigned are the residence of Village - Meghadangar, Bakhrabaj, Tikarpara, Usatpur, Serhati and Dokanda and other Villages and beg to state as follows :-

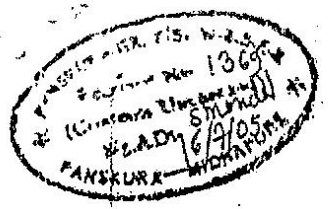
Sd/-
Bhabataran Sahu.
12.7.2005.
Upa-Prodhan, Ghoshpur GP.

1. That inspite of the land in question where the Bani Mill was established by Dipak Kumar Das, son of Sri Kishore Das is Irrigation land as such the said pucca house is illegally constructed and a Bani Mill named as M/s. Biswanath Bani Mill is established and he is trying to effect the Electricity line to the said premises.

Please take necessary step.
Sd/- Nilima Mondal
12.7.2005.
Panskura-I Panchayat Samity

2. That the said house is established on the Plot No.164, the Government land, but the said person by misunderstanding with the Government Offices, Plot No.165 and the said Plot of land is also a Government Bandh, and he got permission from Pollution Control Board and illegally procured certificate





(2)

The Sub-divisional officer (Irrigation) Panskura II

বিষয়- সরকারী বোর্ডিং উপর ব-আইনী মোতায়েন
(৩০০০ একর জমি। ১১ বিঘা ১১ কঠা না
হস্তান্তর করা জমিদার)

অর্থাৎ,
অর্থী নিম্ন আঞ্চলিক কারীগার বিনীত নিবন্ধন এই যে,
অর্থী-গণ অশালবন ওনাখারী ব্রহ্মজাতি, বামরাবাজ, গোপিনীচন্দ্র,
ডিনারাজা, শুভচন্দ্র, রঙ্গচন্দ্র, বদাকাশ্রা এবং অন্যান্য গ্রাম
বোর্ডিং বোর্ডার অধীনে আঁঠিবাড়ী বর্ধিত, স্মীরাই নদীসীম
খিড়িমু দাদগর উপর অবস্থিত বর্ধিত ১৩৪ দাদগর উপর
আমর দাদগর নিবাসী আইনক দীপক কুমার দাস নিজা প্তী
কিশোরী দাস অক্ষয় ব-আইনীভাব একটা পাকা বাড়ী নির্মাণ
করিতে উক্ত বাড়ীতে "কিশোরী দাসী মিল" স্থাপন করিয়াছে
এই বর্ধিত জমি সমস্ত জমি মোতায়েন করা হইবে।

উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর

উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর

উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর
উক্ত-১৩৪ দাদগর

উক্ত বাড়ীটি সরকারি ১৩৪ দাদগর উপর বর্ধিত সরকারী
দাপ্তরিক (পুনঃস্থাপনা ১৩৫ (মাঠ সরকারী নাই))
স্থাপিত এবং অধিকৃত মানিউশার কর্তৃক মোতায়েন করা
হইতে ব-আইনীভাব প্রতিদ্বন্দ্বিতা প্রাপ্ত হইয়াছে।
উক্ত বাড়ীতে বর্ধিত বর্ধিত/বর্ধিত অর্থী স্মীরাই নদীর
অধীনে বর্ধিত উপরাজ, আমলিনিক বর্ধিত
বর্ধিত রক্ষা করিবার অভিপ্রায় হইতেছে, উক্ত বোর্ডিং
উপর দিয়া উক্ত আমলিনিক কর্তৃক হাজার হাজার স্মীরাই
বর্ধিত বর্ধিত আমলিনিক কর্তৃক পঞ্চাশটি হাজার
ব্যবহার কর, উক্ত বোর্ডিং উপর উপরাজ, ব-আইনী
বাড়ী ও আনন্দ "দাদী মিল" স্থাপিত হইলে উক্ত বোর্ডিং
কর্তৃক বর্ধিত করা প্রকৃত হইবে নীচের "দাদী মিলের"
বর্ধিত বর্ধিত বর্ধিত আইনভাব প্রতিদ্বন্দ্বিতা হইবে, মাসার



3. That the said Riverbandh is only bandh to protect the local people in rainy season when flood occurred in the said Khirai river during rainy season.
4. That it is also stated here that by using the said Khirai river Bandh, the public are using the said Bandh as Rasta.
5. That it is also stated here that there is impossible to repair the said river bandh, if Bani Mill is established in the said river Bandh, if the Bani Mill is standing in the said river Bandh, then flood shall occurred and public will suffer.

Sd/- Jharna Manna
Date : 12.07.2005
Member,
Haur Gram Panchayat

In the above circumstances your petitioners pray that the pucca Building which is situated in the River Bandh in Plot Nos.164 and 165 of Mouza - Meghadangar, P.S. - Panskura, should be removed and not to give any electric connection in the said Bani Mill Premises and to save the local people from the flood.

This is our request.

Yours faithfully

Enclosures :

- I) Mouja Meghadangar, Dag No. 164 and 165 R.S. Record Copy.
- II) Pollution Control Board consent to establish certified copy.
- III) Mouza Map Xerox copy.

Copy to for information and taking necessary action.

1. To the District Magistrate, Purba Midnapur District ,
2. The Block Development Officer, Panskura-I No. Block, Post Office - Panskura, District : Purba Medinipur,
3. The Pradhan, Ghoshpur, Gram Panchayat, P.O. Haur, District : Purba Medinipur.
4. The B.L. & L.R.O. Panskura, P.O. Panskura, R.S. Dt. Purba Midnapore.
5. The Officer in Charge, Panskura P.S., P.O. Panskura, District: Purba Midnapur,
6. The Divisional Manager, Tamluk (D), Division, W.B. S.E.B. Tamluk, District : Purba Midnapur.

1. Sd/- Raghunath Maity, son of Late Bibhuti, Vill. P.O. - Meghadangar.
2. Sd/- Pulak Samanta, son of Ratan Samanta, Village - Dokanda.
3. Sd/- Subal Chandra Maity, son of Late Gobinda Maity, Village - Dokanda.
4. Sd/- Ajit Jana, son of Gour Hari Jana, Village & Post Office - Meghadangar.
5. Sd/- Sagar Chandra Manna, son of Late Santosh Manna of Village - Gobindachak,
6. Sd/- Swapan Manna, son of Late Madan Mohan Manna of Village - Gobindachak.
7. Sd/- Ajit Maji, son of Kalipada of Village - Serhati.
8. Sd/- Madhusudan Manna, son of Late Bankim Behari, Village - Powbanki.



-51-

LEGIBLE COPIES

3

Copy to :-

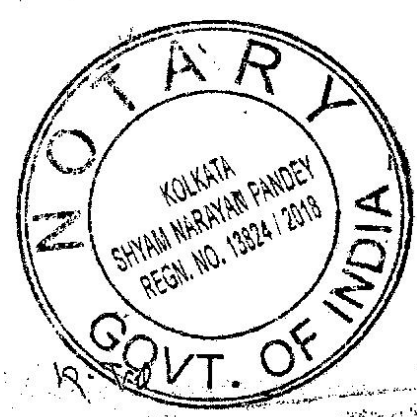
7. The Assistance Manager, Panskura (O.&M) Sub-Division, W.B.S.E.B., P.O. - Dehati, District : Purba Medinipur.
8. The Station Manager, Panskura Group electricity Board, Panskura, District: Purba Midnapore.
9. The Member Secretary, West Bengal Pollution Control Board, Paribesh Bhavan, 10A, Block-LA, Sector-III, Salt Lake City, Kolkata - 700098.
10. The Environment Engineer, West Bengal Pollution Control Board, Super Market Building, Durgachak, Haldia, District : Purba Midnapur.
11. The Manager, D.I.C. Haldia City Center, Purba Midnapur.
9. Sd/- Haripada Maity
Son Of Late Bhupati Maity,
Village - Tikarpara,
10. Sd/- Narayan Chandra Adak, Son
Of Late Sitaram Adak of Village &
P.O. - Meghadangar.
11. Sd/- Nirmal Adak, son of Madan
Mohan Adak, Village & P.O. -
Meghadangar.
12. Sd/- Dilip Sasmal, son of Late
Jatindra, Village - Bakhrabaj.
13. Sd/- Netai Maity, son of Late
Bishnupada Maity, Village -
Bakhrabaj.
14. Sd/- Monoranjan Masanta, son of
Bankim Masanta, Village -
Serhati.
15. Sd/- Ashoke Samanta, son of
Mati Lal Samanta of Village -
Dokanda.
16. Sd/- Khokon Dolai, son of Jugal
Dolai of Village - Uriyagarh.
17. Sd/- Madan Mohan Samanta, son
of Late Adhar of Vill - Dokanda.
18. Sd/- Jugal Kishore Jana, son of
Sushil Chandra Jana of Village -
Dokanda.
19. Sd/- Sudarshan Mishra, son of
Late Gajendra Nath Mishra of
Village - Sherhati.
20. Sd/- Madan Mohan Mondal,
Dokanda.
21. Sd/- Bhimcharan Samanta, son
of Babulal, of Village - Dokanda.



copy to

- ১০১) [Illegible handwritten text]
- ১০২) [Illegible handwritten text]
- ১০৩) [Illegible handwritten text]
- ১০৪) [Illegible handwritten text]
- ১০৫) [Illegible handwritten text]
- ১০৬) [Illegible handwritten text]
- ১০৭) [Illegible handwritten text]
- ১০৮) [Illegible handwritten text]
- ১০৯) [Illegible handwritten text]
- ১১০) [Illegible handwritten text]

- ① The Assistance Manager
Panorama (O.S.M.) sub division
W. B. S. D. P.
P. I. Dehali of Purba Midnapur
- ② The Station Manager
Panorama - Chief Electricity Board
Panorama of Purba Midnapur
- ③ The member secretary
West Bengal Pollution Control Board
Palitana Bhanon. 10. A. Block - L.A.
Sector - III
Salt Lake City Kolkata. 700092
- ④ The environment engineer
West Bengal Pollution Control Board
Bhubaneswar Building. Andapachar
Haldia of Purba Midnapur
- ⑤ The Manager
D. I. C. Haldia. City center.
Purba Midnapur



District : Purba Medinipur.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P. No. 17547 (W) of 2005 ;

In the matter of :

An application under Article 226 of the
Constitution of India ;

- And -

In the matter of :

A writ and/or writs in the nature of
Mandamus, and/or Cartiorari and/or
Prohibition ;

- And -

In the matter of :

Article 14 and 19(1)(g) of the Constitution
of India ;

- And -

In the matter of :

West Bengal Panchayet Act, 1973 and rules
Notifications, issued under the said Act
upto date ;

- And -

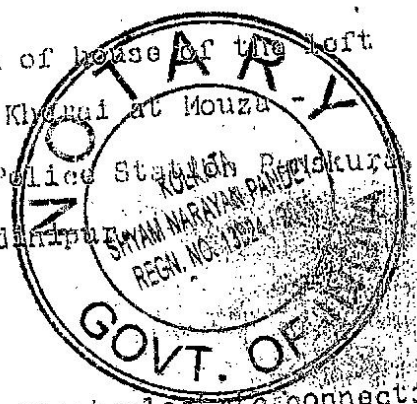
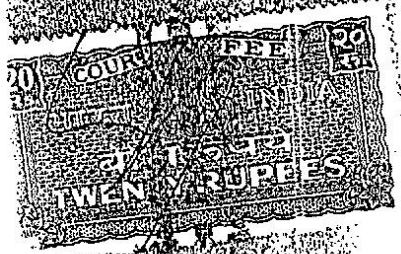
In the matter of :

Illegal construction of house of the left
embankment of river Khurai at Mouza
Maghadongar, under Police Station Banskura
District - Purba Medinipur

- And -

In the matter of :

Illegal attempt to effect electric connection



18/11/06

at the illegal premises situated over Plot No. 165, J.L. No. 92, of Mouza - Meghadanger under District - Purba Medinipur.

- And -

In the matter of :

Non-consideration and non disposal of objection filed by the local villagers against illegal erection and illegal attempt of effect electric connection at the said premises ;

- And -

In the matter of :

1. Narayan Chandra Adak, Son of late Sitaram Adak.
2. Sri Raghunath Maity, son of late Ribhuti Bhusan Maity, No.1 and 2 of village and P.O.-- Megha Dangar, P.S.--Panskura, Dist.--Purba Medinipur.
3. Ajit Jana Son of Gourhati Jana, residing at P.O. & Village - Magha dangar, P.S.--Panskura, District - Purba Medinipur.
4. Subal Chandra Maity, son of late Gobinda Maity, residing at village Dokanta, P.S.--Panskura, District - Purba Midnapore,
5. Swapan Manna, Son of late Madanmohan Mahha residing at village - Govindachak, P.S.--Panskura, District - Purba Midnapore.
6. Dilip Sasmal, son of late Jatintra Sasmal,

18/11/05



residing at village - Baghrabaj, P.S.- Panskura, District - Purba Medinipur.

7. Sri Khokan Dolui, Son of Jugal Dolui, residing at village - Ushagarh, P.S.-Panskura, District - Purba Medinipur.

8. Sri Monoranjan Masanta, son of Bankim Masanta, residing at village - Sarhati, P.S.- Panskura, District ; Purba Midnapore.

.... Petitioners.

- Versus -

1. The State of West Bengal, service through the secretary, Land and Land Reforms Dept. of Writers Buildings, Kolkata - 700 001.

2. District Land and Land Reforms Officer, Purba Midnapore, P.O. & P.S.-Tamluk, District - Purba Midnapore.

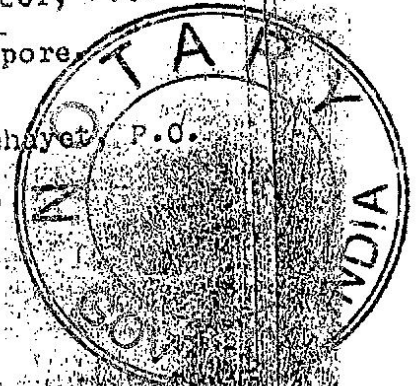
3. District Magistrate and Collector, Purba Midnapore, P.O. & P.S.- Tamluk, District - Purba Midnapore.

4. The Subdivisional Officer (Irrigation) Sub-Division No. III, P.S.-Panskura, District - Purba Midnapore.

5. Block Land & Land Reforms Officer, P.O.- Panskura, District - Purba Midnapore.

6. The Pradhan, Goshpur Gram Panchayat, P.O. Heur, District - Purba Midnapore.

[Handwritten signature]
18/11/53



7. The Block Development Officer, Panskura,
-I Block, P.O.-Panskura, Dist.-Purba Midnapore
8. The Member Secretary, West Bengal Pollution
Control Board, Paribesh Bhawan, 10A, Block-LA,
Sector-III, Salt Lake City, Kolkata -91.
9. The Sectional Officer, Cosaya, (Irrigation)
Section, Panskura, Dist.-Purba Mednapur.
10. The Officer-in-Charge, Panskura, Police
Station, District - Purba Medinipur.
11. The Divisional Engineer, Tamluk (D),
Division, W.D.S.E.B. Tamluk, District -
Purba Medinipur.
12. M/n. Biswanath Bond Mill,
C/o. Dipak Kumar Das, at village - Bakra Baj,
P.S.- Meghadangar, District - Purba Medinipur.

.... Respondents.


18/11/06



M. 29

Notary Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
		18/11/2005	<p>W.P. No. 17547(w) of 2005</p> <p>Mr. L.N. Bhattacharjee.....for the petitioner.</p> <p>Mr. Golam Mustafa, Mr. Subir Sabud.....for the private respondents.</p> <p>Mr. S.S. Kolay.....for WBSEB</p> <p>Mr. D. Roy.....for the State.</p> <p>The respondent State is directed to give a report of its further actions taken against the encroachers and illegal constructions in the area. For that purpose three weeks' time is granted. The matter shall appear after three weeks in the meantime a complete report shall be given of the operations by the State respondents.</p> <p>Xerox plain copy of this order duly countersigned by the Assistant Court Officer may be supplied to the parties if applied for.</p> <p style="text-align: right;"><i>Sd/-</i> V.S. Sirpurkar, C.J.)</p> <p style="text-align: right;"><i>Sd/-</i> (Ganguly, J.)</p>

Sd/-
22.11.05
ASST. REGISTRAR
(Court)
Opposite State Hq.
Calcutta



— 58 —
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ANNEXURE - 'A-5'

DISTRICT : PURBA MEDINIPUR

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

In the matter of :

W. P. No. 17547 (W) of 2005

- And -

In the matter of :

Narayan Chandra Adak & Ors.

..... Petitioner.

- Versus -

State of West Bengal & Ors.

..... Respondents.

Affidavit-in-Opposition to the writ petition on behalf of Respondent
Nos. 1, 2, 3, 4, 5, 7, 9 and 10 herein.

I, Shri Koushik Basak, son of Shri Ajit Kr. Basak, by occupation Govt.
Service, residing at 15/2/2A, Jheel Road, (Bank Plot), Kol-75 do
hereby solemnly affirm and say as follows :



DISTRICT : PURBA MEDINIPUR

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

In the matter of :

W.P. No. 17547 (W) of 2005

-And-

In the matter of :

Narayan Chandra Adak & Ors.

.... Petitioner

-Versus-

State of West Bengal & Ors.

.... Respondents

Affidavit-in-Opposition to the writ petition on behalf
of Respondent Nos. 1, 2, 3, 4, 5, 7, 9 and 10 herein.

I Shri Koushik Banak

son of Shri Ajit-kn Banak

aged about 37 years, by faith Hindu

by occupation Govt. Service, residing at 15/2/2A Third Road

(Bank Plot), Kol-75

do hereby solemnly

affirm and say as follows :

Contd.....2.



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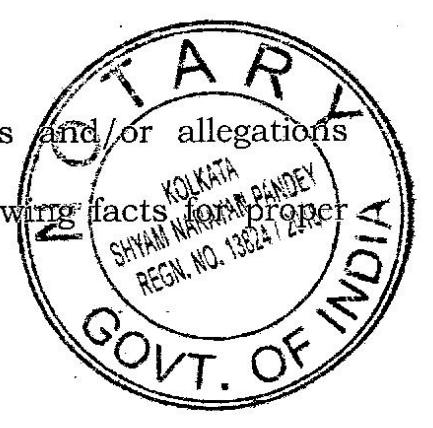
: 2 :

1. That I am working for gain as S.D.O./A.E. Panskura Irrigation Sub-Division. By virtue of my official capacity I have gone through the records of the case and as such I am well acquainted with facts and circumstances thereof. I have been duly authorized by the other answering respondent Nos. 1 to 3, 7, 9 and 10 to affirm this affidavit on behalf of them and I am competent to do so.

2. That I have gone through the instant writ petition (hereinafter referred to as the said petition) affirmed by one Narayan Chandra Adak on 5.9.2005 and served upon this office and I have understood the contents and purport thereof.

3. That I have been advised to deal with only those paragraphs of the said petition, which are material for disposal of the said petition save and except what are matter of admitted records and what have been specifically admitted here in. I deny and dispute all other allegations made in the instant writ petition as if the same have been set out and traversed seriatim.

4. Before dealing with parawise statements and/or allegations made in the said writ petition, I state the following facts for proper adjudication of the case :-



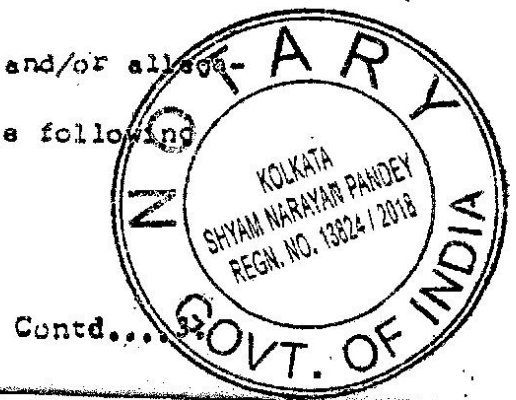
: 2 :

1. That I am working for gain as S.D.O/A.E. *Panskura Irrigation*
Sub-Division
By virtue of my official capacity I have gone through the records of the case and as such I am well acquainted with the facts and circumstances thereof. I have been duly authorized by the other answering respondent No. 1 & 3, 7, 9 & 10 to affirm this affidavit on behalf of them and I am competent to do so.

2. That I have gone through the instant writ petition (hereinafter referred to as the said petition) affirmed by one Narayan Chandra Adak on 5/9/2005 and served upon this office and I have understood the contents and purport thereof.

3. That I have been advised to deal with only those paragraphs of the said petition, which are material for disposal of the said petition save and except what are matter of admitted records and what have been specifically admitted herein. I deny and dispute all other allegations made in the instant writ petition as if the same have been set out and traversed seriatim.

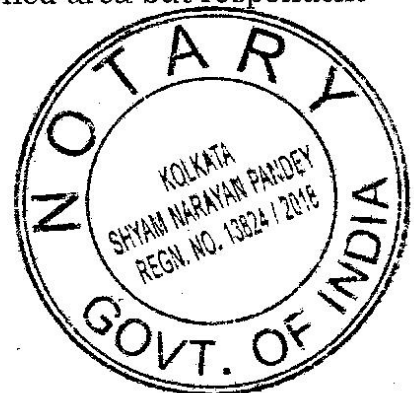
4. Before dealing with parwise statements and/or allegations made in the said writ petition, I state the following facts for proper adjudication of the case :-



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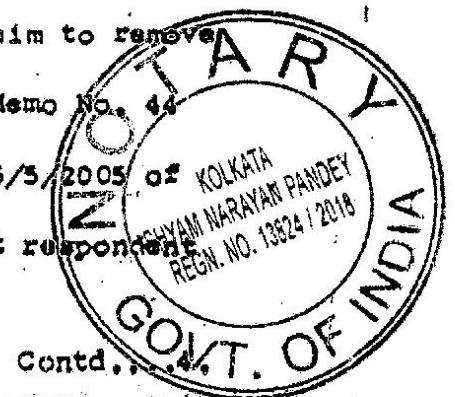
: 3 :

- a) That the landed proper in question belongs to the Irrigation and Water ways Departments, Govt. of West Bengal which is lying under Plot 163, 164 and 165 of Mouza Maghadangar P.S. Panskura under District Purba Medinipur.
- b) That the land being Plot No. 164 of Mouza Maghadangar upon which the alleged construction of the Rice Mill (M/s. Biswanath Beni Mill) has been raised belongs to the Irrigation and Waterways Department, Govt. of West Bengal and the said construction as alleged and completely unauthorized as no permission and/or sanction was obtained from the concerned authority before raising the said construction/structure.
- c) That the action has already been taken against such unauthorized construction by issuing notice to the owner of the said structure asking him to remove the same immediately vide letter under Memo No. 44 dated 19.4.2005 and Memo No. 54 dated 6.5.2005 of the Section Officer concerned area but respondent



3

- a) That the landed proper in question belongs to the Irrigation and Water ways Departments, Govt. of West Bengal which is lying under Plot 163, 164 and 165 of Mouza Meghadangar P.S. Panshura under District Purba Medinipur.
- b) That the land being Plot No. 164 of Mouza Meghadangar upon which the alleged construction of the Rice Mill (M/s Biswanath Beni Mill) has been raised belongs to the Irrigation and Waterways Department, Govt. of West Bengal and the said construction was alleged and completely unauthorised as no permission and/or sanction was obtained from the concerned authority before raising the said construction/structure.
- c) That the action has already been taken against such such unauthorised construction by issuing notice to the owner of the said structure asking him to remove the same immediately vide letter under Memo No. 44 dated 19/4/2005 and Memo No. 54 dated 6/5/2005 of the Sectional Officer concerned area but response



Contd.,

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: 4 :

No. 2 being the owner of the said Rice Mill but the owner of the said illegal structures did not pay any heed to sent notice.

Copy of memo no. 44 dated 19.4.2005 and Memo No. 54 dated 6.5.2005 are annexed herewith and marked as Annexure R-1 collectively.

d) That as the flood situation is prevailing in the said area during the monsoon period there was a flood situation in the area and no further action could be taken up for demolition of the said illegal structure. In the meantime a copy of the instant writ petition was served upon the answering respondent and as such no further action was taken for demolition of the said structure after the monsoon period was over as the matter is subjudice. However, the answering respondents are

5. With reference to the statements and/or allegations made in paragraphs No. 1, 2, 3, 4, 5 and 6 of the writ petition, serve accept what appears from the admitted record I do not admit

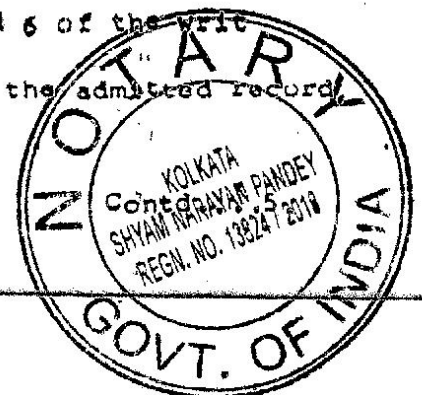


No.2 being the owner of the said Rice Mill ~~xxxxx~~
but the owner of the said illegal structure did not
pay any heed to sent notice.

Copy of memo No. 44 dated 19/4/2005 and Memo No. 54
dated 6/5/2005 are annexed herewith and marked as annexure -R₂
collectively.

d) That as the flood situation is prevailing in the said
area during the moonsoon period there was a flood
situation in the area and no further action could be
taken up for demolition of the said illegal structure.
In the meantime a copy of the instant writ petition
was served upon the answering respondent and as such no
further action was taken for demolition of the said
structure after the moonson period was over as the matter
is subjudice. However, the answering respondents are ~~xx~~
ready and will to demolish the said illegal structure
immediately.

5. With reference to the statements and/or allegations
made in paragraphs No. ~~ix~~ 1, 2, 3, 4, 5 and 6 of the writ
petition, serve and except what appears from the admitted records



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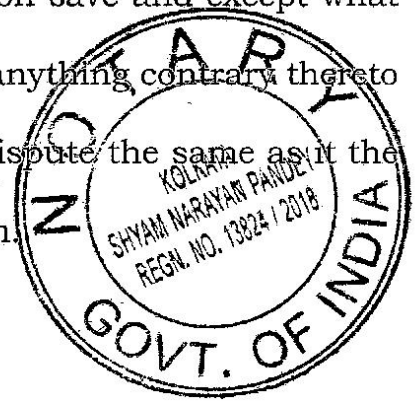
: 5 :

I do not admit anything contrary thereto and/or inconsistent therewith. I deny that even all protest of the petitioners against the mighty financial personality are thereon in the waste paper box by the administration as alleged or at all.

I say that the action has already been taken against such unauthorized construction made by the respondent no. 12 herein by issuing Notice to the respondent no.1 2 to remove the same immediately vide letters under Memo No. 44 dated 19.4.2005 and Memo No. 54 dated 6.5.2005 of the Sectional Officer, Cosaya Irrigation Section under Panskura Irrigation Sub-Division No. II Panskura, Purba Medinipur.

I repeat and reiterate what have been stated in paragraph 4 of this affidavit in this regard.

6. With reference to the statements and/or allegations made in paragraph Nos. 7, 8 & 9 of the said application save and except what appears from admitted record I do not admit anything contrary thereto and/or inconsistent thereof and I deny and dispute the same as if the same have been set out and traversed seriatim.



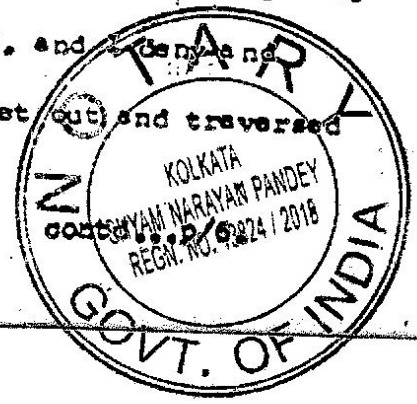
5.

I do not admit anything contrary thereto and/or inconsistent therewith. I deny that even all protest of the petitioners against the mighty financial personality are thrown in the waste paper box by the administration as alleged or at all.

I say that the action has already been taken against such unauthorised construction made by the respondent no.12 herein by issuing Notice to the respondent no.12 to remove the same immediately vide letters under Memo No.44 dated 19.4.2005 and Memo No.54 dated 6.5.2005 of the Sectional Officer, Cosays Irrigation Section under Panskura Irrigation Sub-Division No.II Panskura, Purba Medinipur.

I repeat and reiterate what have been stated in paragraph 4 of this affidavit in this regard.

6. With reference to the statements and/or allegations made in paragraph no.7, 8 & 9 of the said application save and except what appears from admitted record I do not admit anything contrary thereto and/or inconsisted thereof, and deny and dispute the same as it the same have been set out and traversed



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: 6 :

I say that the notice was issued by the concerned authority for taking actions against the respondent no. 12 as stated herein below.

7. With reference to the statements and/or allegations made in paragraphs no. 11, 12 and 13 of the said application I do not admit anything which are not borne by and/or inconsistent with the admitted recorded and I deny the same.

8. With dereference to the statements and/or allegations made in paragraph No. 14 of the said applications save and except what appears from the admitted records. I do not admit any of the allegations made in the instant writ petition and I deny the same. I say that instant writ petition was affirmed on 5.9.2005 and it is also evident from the paragraphs 7, 8 and 9 that before moving this instant petition the concerned authorities took necessary action and subsequently issued notice to the respondent no. 12 directing him to demolish the unauthorized constructions. I further say that after the notice was issued by the concerned authorities against the respondent No. 12 no further action could be taken up by the concerned



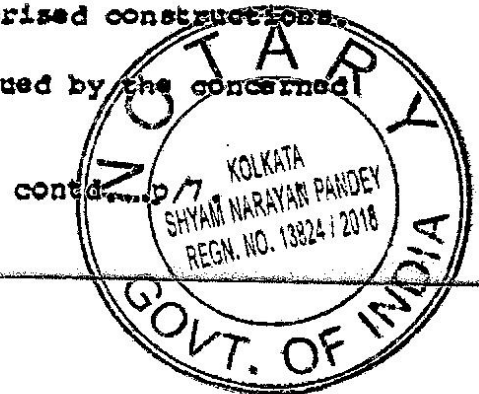
6.

seriations.

I say that the notice was issued by the concerned authority for taking actions against the respondent no.12 as stated herein before.

7. With reference to the statements and/or allegations made in paragraphs no.11, 12 and 13 of the said application I do not admit anything which are not borne by and/or inconsistent with the admitted records and I deny the same.

8. With reference to the statements and/or allegations made in paragraph no.14 of the said application save and except what appears from the admitted records. I do not admit any of the allegations made in the instant writ petition and I deny the same. I say that unstant writ petition was affirmed on 5.9.2005 and it is also evident from the paragraphs 7, 8 and 9 that, before moving this instant petition the concerned authorities took necessary action and subsequently issued notice to the respondent no.12 directing him to demolish the unauthorized constructions. I further say that after the notice was issued by the concerned



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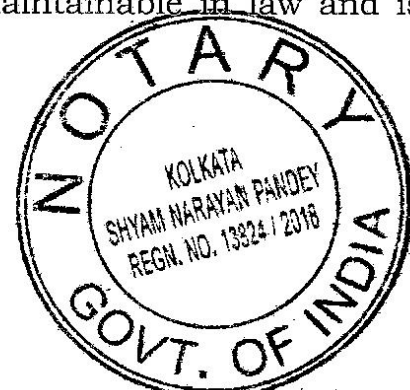
: 7 :

authorities as the flood situation was prevailing in the said area during the monsoon period.

9. Grounds, set out in paragraph No. 9 of the Writ Petition are devoid of any merits in the facts of the case and I dispute the same. I submit that the said Grounds are devoid of any merits in the facts and circumstances of the cases and is not tenable in the eye of law. To avoid prolixity, I repeat and reiterate that the statements made in paragraphs 4 and here in above of this affidavit I reply on them.

10. With dereference to the statements made in paragraphs No.1 6, 17 and 18 of the said petition save and except what appears from record I categorically deny and dispute the same. I deny the application made bonafide and for the ends of justice as alleged or at all. I say that the said petition is misconceived in law.

11. I submit that the authority concerned acted strictly in accordance with the provision of rule and law. I further submit that the said petition is misconceived not maintainable in law and is liable to be dismissed in liminie.



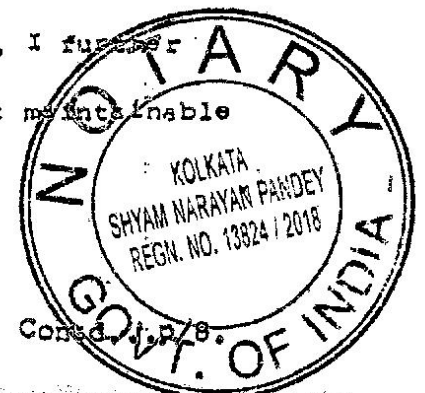
7.

authorities against the respondent no.12 no further action could be taken up by the concerned authorities as the flood situation was prevailing in the said area during the monsoon period.

9. Grounds, set out in Paragraph No.9 of the Writ Petition are devoid of any merits in the facts of the case and I dispute the same. I submit that the said Grounds are devoid of any merits in the facts and circumstances of the cases and is not tenable in the eye of law.. To avoid prolixity, I repeat and reiterate that the statements made in paragraphs 4 and hereinabove of this affidavit I rely on them.

10. With reference to the statements made in paragraphs No.16, 17 and 18 of the said petition save and except what appears from records I categorically deny and dispute the same. I deny the application made bonafide and for the ends of justice as alleged or at all. I say the said petition is not maintainable in law.

11. I submit that the authority concerned acted strictly in accordance with the provision of rule and law. I further submit that the said petition is misconceived not maintainable in law and is liable to be dismissed in limine.



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: 8 :

12. That the statements made in paragraphs 1, 2 and 3 are true to my knowledge and those contained in paragraphs 4 to 8, 10 of this affidavit are derived from records trying in the Office of the answering respondents which I verily believe to be true and the same made in paragraph 9 and 11 are humble submissions before this Hon'ble Court.

Prepared in my Office.

Sd/-

Sd/-

Deponent is known to me.

Advocate.

Assistant,
Office of the Legal Remembrancer
Govt. of West Bengal

Solemnly affirmed before me
On this 18th day of November,
2005.

COMMISSIONER.



- 18 -

12. That the statements made in paragraphs 1, 2 and 3 are true to my knowledge and those contained in paragraphs 4 to 8, 10 of this affidavit are derived from records trying in the Office of the ~~xxx~~ answering respondents which I verily believe to be true and the statements made in paragraph 9 and 11 are humble submissions before this Hon'ble Court.

Prepared in my Office.

R/D

advocate.

S/D

Deponent is known to me.

Solemnly affirmed before me Assistant,
Office of the Legal Remembrancer,
Govt. of West Bengal.

on this 18th day of November,
2005.

COMMISSIONER.



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DISTRICT : PURBA MEDINIPUR

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

In the matter of :

W. P. No. 17547 (W) of 2005

- And -

In the matter of :

Narayan Chandra Adak & Ors.

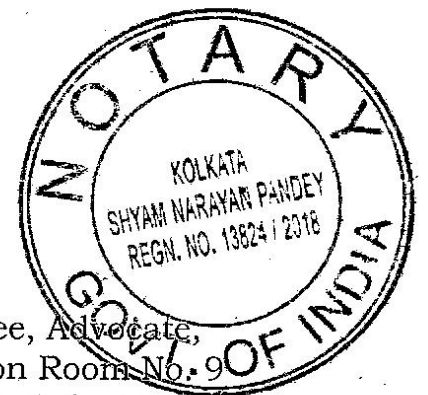
..... Petitioner.

- Versus -

State of West Bengal & Ors.

..... Respondents.

Affidavit-in-Opposition to the writ
petition on behalf of Respondent Nos. 1,
2, 3, 4, 5, 7, 9 and 10 herein.



Rina Banerjee, Advocate,
Bar Association Room No. 907,
High Court, Calcutta.

NOTICE OF APPEAL

B. THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE.

In the matter of :
C.P. No. 17547 () of 2005.

- And -

In the matter of :
Naryan Chandra Adak & Ors.

.. Petitioner.

- Versus -

State of West Bengal.

.. Respondents.

Affidavit-in-Opposition of the Writ
Petition on behalf of the Respondent
Nos. 1, 2, 3, 4, 5, 7, 9 and 10 herein.

Mina Banerjee, Advocate.
Box Association Room No. 9
High Court, Calcutta.



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Annexure -A-6

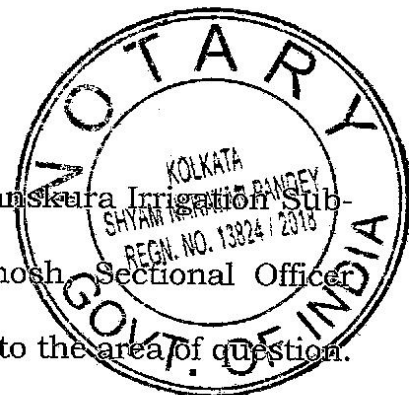
Report of compliance of the order dated 18.11.2005 passed by the Hon'ble Chief Justice and Justice Gaguy in W.P.No. 17547 (W) of 2005 submitted by Koushik Basak S.D.O. Panskura-II, District - Purba Medinipore.

REPORT OF COMPLAINEE

I, Koushik Basak, son of Sri Ajit Kumar Basak, aged about 37 years, working for gain as Sub-Divisional Officer, Panskura-II (Irrigation) residing at 15/2/2A, Jheel Road, (Bank Plot), Kolkata- 75, do hereby submit the following report.

That pursuant to the solemn order passed by Their Lordships the Hon'ble Chief Justice and the Hon'ble Justice Asok Kumar Ganguli on 18.11.2005 I file this report of compliance before this Hon'ble Court.

1. On 23.11.2005 I, Sub-Divisional Officer, Panskura Irrigation Sub-Division No. 2 along with Shri Naba Kumar Ghosh, Sectional Officer Cosaye Section and Shri Balaram Bag, Amin went to the area of question.



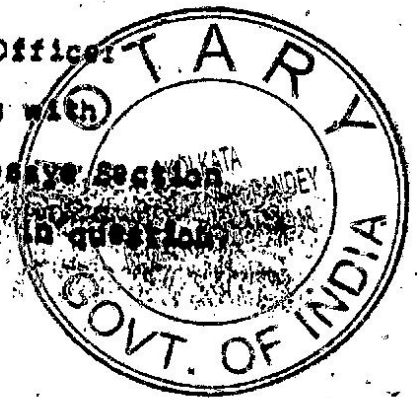
Report of compliance of the order dated 2 18.11.2005
 passed by the Hon'ble Chief Justice and Justice Ganguly
 in W.P. No. 17547 (W) of 2005 submitted by Koushik Basak
 S.D.O. Panskura-II, District Purba Medinipore.

REPORT OF COMPLIANCE

I, Koushik Basak, son of Sri Ajit Kumar Basak, aged
 about 37 years, & working for gain as Sub-Divisional
 Officer Panskura-II (Irrigation) residing at 15/2/2A,
 Jheel Road, (Bank Plot), Kolkata-75, do hereby submit
 the following report.

That pursuant to the solemn order passed by
 their Lordships the Hon'ble Chief Justice and The
 Hon'ble Justice Asok Kumar Ganguli on 18.11.2005
 I file this report of compliance before this Hon'ble
 Court.

1. On 23.11.2005 I, Sub-Divisional Officer
 Panskura Irrigation Sub-Division No.2 along with
 Shri Naba Kumar Ghosh, Sectional Officer Corry's Section
 and Shri Balaram Bag, Amin went to the site in question.

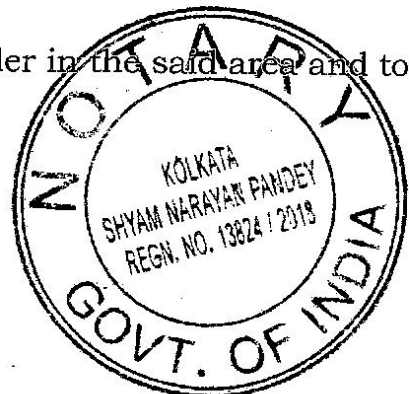


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i.e. to the Plot No. 163,164 and 165 of Mouza- Maghadanga on the left left Bank of the River Kherai under P.S. Panskura, District- Purba Medinipore where the illegal structure was erected and met with the encroachers who raised the illegal structure thereon. Thereafter we should the order of the Hon'ble High Court to them. I then urged upon them to demolish all the illegal constructions raised by them on the land in question as per direction of Their Lordships. We gave them 7 days time for the said purpose and told them that we would again visit the same area on 2nd December, 2005 and we would demolish all the illegal constructions therein if the said structures are not removed by them in the meantime.

2. But after 7 days i.e. on 29th November, 2005 I was informed by my office staff that no action was taken in this regard by the illegal encroachers.

3. That vide Memo No. 6988 (6B) dated 29.11.2005 I requested the Officer-in-Charge, Panskura Police Station, Purba Medinipore to make necessary arrangements for sufficient Police Force on 2.12.2005 at 10 a.m. to keep the law and order in the said area and to



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- 2 -

1. e. to the Plot No. 163, 164 and 165 of Mouza-Meghadanagar on the left Bank of the River Kherai under P.S. Panskura District- Purba Medinipore where the illegal structure was erected and met with the encroachers who raised the illegal structure thereon. Thereafter we showed the order of the Hon'ble High Court to them. I then urged upon them to demolish all the illegal constructions raised by them on the land in question as per direction of Their Lordships. We gave them 7 days time for the said purpose and told them that we would again visit the same area on 2nd December, 2005 and we would demolish all the illegal constructions therein if the said structures are not removed by them in the meantime.

2. But after 7 days i.e. on 29th November, 2005 I was informed by my office staff that no action was taken in this regard by the illegal encroachers.

3. That vide Memo No. 6998(6E) dated 29.11.2005 I requested the officer-in-Charge Panskura Police Station Purba Medinipore to make necessary arrangements for sufficient police force on 2.12.2005 at 10 a.m. to keep the law and order in the said area and to



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help the irrigation and water ways Department to carry out the demolition work of the illegal structure to the land in question in the interest of Public Service.

It is stated that the memo was forwarded for information and necessary action to the Executive Engineers, East Midnapore Division, Tamluk, (2) Sub-Divisional Officer, Tamluk (Sadaz) (3) Sub-Divisional Police Officer, Tamluk (4) Block Development Officer, Panskura and (5) Sectional Officer, Casoev Irrigation Section, Purba Medinipore.

4. On 2.12.2005, I went to the said Plot No. 163,164 and 165 on the left Bank of River Kharsi with Shri Malay Mukherjee, Block Development Officer, Panskura-I, Block and Executive Magistrate engaged by the District Magistrate, Purba Medinipore, Police force was arranged by Shri Sekhar Roy.



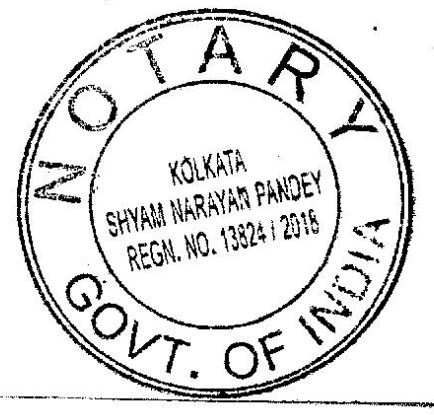
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- 3 -

help the irrigation and water ways Department to carry out the demolition work of the illegal structure on the in Land in question in the interest of Public Service.

It is stated that the memo was forwarded for information and necessary action to the Executive Engineers East Midnapore Division Tamluk, (2) Sub-Divisional Officers, Tamluk (Sadar) (3) Sub-Divisional Police Officers, Tamluk (4) Block Development Officer Panskura, and (5) Sectional Officer, Cassey Irrigation Section Purba Medinipore.

4. On 2.12.2005, I went to the said Plot No. 163, 164 and 165 on the left Bank of River Khairi with Shri Malay Mukherjee, Block Development Officer, Panskura-I, Block and Executive Magistrate engaged by the District Magistrate, Purba Medinipore. Police force was arranged by Shri Sekhar Roy



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Officer-in-Charge, Panskura P.S. Photographer also arranged to the take video Photography of the demolition work. At about 11.30 a.m. we started the demolition work. At about 11.30 a.m. we started the demolition work with considerable amount of labour force and demolished all the illegal construction in question. At 4.00 p.m. we completed the demolition work.

Submitted



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- 4 -

Officer-in-Charge, Pensura P.S. Photographer also arranged to take video Photography of the demolition work. At about 11.30 a.m. we started the demolition work with considerable amount of labour force and demolished all the illegal construction in question. At 4.00 p.m. we completed the demolition work.

Submitted



Noting by Office or Advoante	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
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16.12.2005

W.P. No.17547 (w) of 2005

Mr. L.N. Bhattacharjee.....for the petitioner

Mr. Golum Mustafi,
Mr. Subir Sabud.....for Private respondents.

Mr. S. S. Kolay.....for WBSEB.

Mr. S. Dasgupta,
Ms. Rina Banerjee.....for the State.

Heard learned counsel for the parties, Pursuant to the previous order of this Court dated 18th November, 2005 a report has been filed before this Court and signed by one Koushik Basak who is the Sub-Divisional Officer, Panskura Irrigation Sub-Division No.2. From the said report it appears that the illegal construction in question have been demolished on 2nd December,2005 with the help of police. The said report formed part of the records of this case. In view of the said report, a copy whereof has been handed over to the learned counsel for the petitioner, the learned counsel for the petitioner does not press this application any further. Hence, this application is dismissed.

Urgent xerox certified copy of this order may be supplied to the parties on usual undertaking.

Sd/- V.S. Sirpurkar, C.J.
(V.S. Sirpurkar, C.J.)

Sd/- A.K. Ganguly, J.
(Ganguly, J.)

18/12/05





WEST BENGAL POLLUTION CONTROL BOARD
Paribesh Bhawan, 10A, Block - LA, Sector III, Salt Lake
Kolkata - 700 098, Ph.: (033)2335 8212, Fax : (033)2335-8073, 2335-6730
Internet: www.wbpcb.gov.in, Email: wbpcbnet@cal3.vsnl.net.in

No. -5L/WPB/2005/M

Dated: / / 2006

To O. Manasa Baner Mill
② Biswanath Baner Mill
vill. & P.O. Meghadangan
Purba Medinipur

Attention : Director/Proprietor/Partner/Manager
Sub : Environmental Pollution Complaint.

Sir,

It is brought to your notice that a *complaint* has been lodged against you/your industrial unit/establishment for causing environmental problem.

You are hereby directed to appear before the undersigned on 25/03/2006 at 13-40 Hrs., along with all statutory licenses, including Consent of the State Board and status of pollution control system of the unit.

In case of non-appearance, the State Board will issue necessary regulatory order including closure and disconnection of electricity against your unit/establishment considering the records kept and maintained by the State Board without any further reference.

Yours faithfully,

Sat
(Biswajit Mukherjee)
Sr. Law Officer,
West Bengal Pollution Control Board.

Encl: ~~As stated.~~

No. 3254(2)/5L/WPB-2005/M

Dated: 24/3 /2006

Copy forwarded to :- Raghunath Maity / Ajit Jena & or.

1. The Complainant(s) vill. & P.O. Meghadangan Purba Medinipur, He/She/

They is/are requested to remain present during hearing in time or send some authorized representative. He/She has to present reasonable documents to the points raised in his/her complaint.

2. The Environmental Engineer, Haldira Regional Office, WBPCB. Please submit the inspection report before hearing. Complaint petition is forwarded herewith.

Sat
Sr. Law Officer





WEST BENGAL POLLUTION CONTROL BOARD
Paribesh Bhawan, 10A, Block - LA, Sector III, Salt Lake, Kolkata - 700 098,
Ph.: (033)2335 8212, Fax : (033)2335-8073, 2335-6730
Internet: www.wbpcb.gov.in, Email: wbpcbnet@enl3.vsnl.net.in

Re : Raghunath Maity/Ajit Jana & Ors.	Versus	1) Manasi Bani Mill 2) Biswanath Bani Mill
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RECORD OF PROCEEDINGS DATED 25-03-2006.

Name of the Officer present at the time of hearing.

Sri Biswajit Mukherjee
Sr. Law Officer, WBPCE.

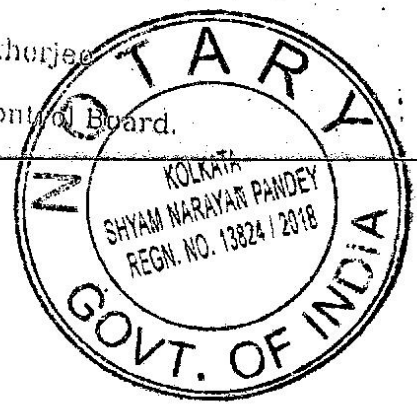
All parties appeared.

It is a complaint against a husking mill. It appears that both two husking mills, obtained NOC from the State Board. Sri Dipak Kr. Das obtained NOC on 08-01-2003, and Manasi Bani Mill obtained NOC on 08-04-2005.

Sri Diupak Kr. Das, obtained NOC only for rice, milling and Smt. Manasi Maity, obtained for husking mill, for spice grinding, and mustered oil.

It appears that these two units only obtained 'Consent to Establish' but none of the unit obtained 'Consent to Operate' as per the provisions of Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and also under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981. Hence these two units are directed not to operate till obtaining 'Consent to Operate' of the State Board and after submission of application for 'Consent to Operate' by the units, the Regional Office of the State Board should inspect the units and dispose of the 'Consent to Operate' application within the stipulated time as fixed up under the law and inform the Public Grievance Cell of the State Board. Accordingly the matter stands disposed of with a direction to local police station, that said two mills may not operate as required under the law.

Sd/- Biswajit Mukherjee
Sr. Law Officer,
W. B. Pollution Control Board.

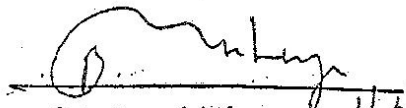


No. 2(5) -5L/WPB-2005/M-13

Dated: 3/4/2006

Copy forwarded to :

1. M/s. Manasi Bani Mill,
2. M/s. Biswanath Bani Mill - both located at Vill. & P.O. Meghadangar, Purba Medinipur, W.B.
3. The Environmental Engineer, Haldia R.O., WBPCB.
4. The Sr. Environmental Engineer (P), WBPCB.
5. The General Manager, District Industries Centre, Purba Medinipur, W.B.
6. Shri Raghunath Maity/Ajit Jana & Ors., Vill. & P.O. Meghadangar, Purba Medinipur.
7. The Incharge, P.G.Cell, WBPCB.



Sr. Law Officer,
West Bengal Pollution Control Board.



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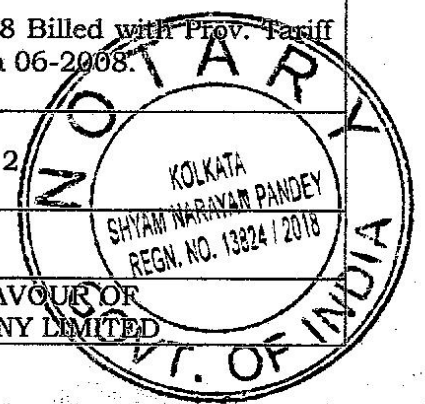
ANNEXURE - 'A-9'

WEST BENGAL STATE ELECTRICITY DISTRIBUTION CO. LTD.
(A Government of West Bengal)
Bill (Industrial Agriculture & Irrigation)

Panskura GR. E/s.
S/D. Panskura Ph. 252249

Panskura

Dipak Kumar Das Maghadangar		Service connection No. : SER/I/28055			
Meghadangar Purba Medinipur		Consumer No: 1800312			
Consumer ID : 222162950		Consumer Period: JUL 2008			
Consumer Code		Connection Load: 15.00 HP			
Tariff (Normal)		Previous Reading Date : 30/06/2008			
		Present Reading Date: 04/08/2008			
		Billing Date: 04/08/2008			
		Category: BCI-R)			
Meter No.(s): ST606462					
Previous Reading: 2016					
Present Reading: 2606					
Advance Units: 0					
Advance Units: 0					
Adjustment Units: 2606					
Total Units: 2606					
BILL MONTH	ENERGY CH. (RS)	FIXED RENT (RS)	METER RENT (RS.)	ELECTRICITY DUTY (RS.)	FPPCA CHARGES
Aug-2008	9736.72	157.92	100.00	728.73	80.93
MISC. CH. (RS.)	ADJUSTMENT AMOUNT (RS.)	L.P.S.C (RS.)	ARR. ENERGY CH (RS.)	ARR. ELECT DUTY (RS.)	GROSS DEMAND (RS.)
80.00	0.000	0.00	0.00	0.00	10824.00
REBATE AMT. (RS.)	SPL REBATE CONCESSION	AMT PAYABLE WITHIN DUE DATE	QUE DATA OF PAYMENTS	AMT PAYABLE AFTER DUE DATA (RS.)	
198.29	0.00	10626.00	14/08/2008	10824.00	
Last payment Pay Dt. 10/07/08 AMT. 754.00, BILLP 07.2008 Billed with Prov. Tariff Sub ADJ As per order or WBERC arr fppca -05-2008 arr fppca 06-2008.					
Total FPPCA Rs. 18.95 for FY 06/07 Inst. Rs. 6.32 Claimed 2					
Total FPPCA Rs. 223.84for FY 07/08 Inst. Rs. 74 61/Claimed 2					
Next Reading Data : 01/09/2008 - 06/09/2008					
ALL A/C PAYEE CHEQUE/DRAFT SHOULD BE DRAWN IN FAVOUR OF WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED					





West Bengal State Electricity Distribution Co. Ltd.
 (A Government of West Bengal Enterprise)
 Bill (Industrial / Agriculture & Irrigation)

PANSKURA Gk. E/S. PANSKURA
 PANSKURA Ph: 252243

DIPAK KUMAR DAS MAHADANGAR MECHADANGAR PURBA MEDINIPUR	Service Connection No. Consumer No. Consumption Period Connected Load Previous Reading Date Present Reading Date	SER/1/2B055 1800312 JUL2008 15.00 HP 30/06/2008 04/08/2008
Consumer ID : 222162950 Consumer Code :	TARIFF (Normal)	Billing Date Category
		04/08/2008 B (I-R)

Meter No(s)	ST606462
Previous Reading	201
Present Reading	2807 - 602 = 2205
Advance Units	2606
Average Units	0
Adjustment Units	0
Total Units	2606
Dutiable Units	2606

BILL MONTH	ENERGY CH. (Rs.)	FIXED CH. (Rs.)	METER RENT (Rs.)	ELECTRICITY DUTY (Rs.)	FPPCA CHARGE (Rs.)
AUG-2008	9756.72	157.92	100.00	728.73	80.93
MISC. CH. (Rs.)	ADJUSTMENT AMOUNT (Rs.)	L.P.S.C. (Rs.)	ARR. ENERGY CH. (Rs.)	ARR. ELEC. DUTY (Rs.)	GROSS DEMAND (Rs.)
0.00	0.00	0.00	0.00	0.00	10824.00
REBATE AMT. (Rs.)	SPL. REBATE & CONCESSION (Rs.)	AMT. PAYABLE WITHIN DUE DATE	QUE DATE (S) OF PAYMENTS	AMT. PAYABLE AFTER DUE DATE (Rs.)	
198.29	0.00	10626.00	14/08/2008	10824.00	

Meter Seals No.

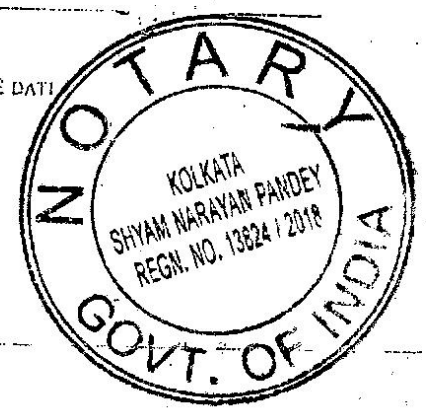
TO AVAIL REBATE FACILITIES PAY WITHIN DUE DATE(S)

LPSC for
 LAST PAYMENT: PAY DT: 10/07/08, AMT: 754.00, BILLP: 07.2008-0
 BILLED WITH PROV. TARIFF SUB. TO ADJ AS PER ORDER OF WBERC
 arr fppca-05-2008arr fppca-06-2008

TOTAL FPPCA Rs. 18.95 for FY 06-07 Inst. Rs. 6.32 Claimed 2.
 TOTAL FPPCA Rs. 223.84 for FY 07-08 Inst. Rs. 74.61 Claimed 2.
 NEXT READING DATE : 01/09/2008 - 06/09/2008

ALL A/C PAYEE CHEQUE / DRAFT SHOULD BE DRAWN IN FAVOUR OF
 "WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED"

HOURS OF PAYMENT: Weekdays from 9.30 AM to 3.30 PM
 Saturday from 9.30 AM to 12.30 PM
 CHEQUE WILL NOT BE ACCEPTED AFTER DUE DATE





WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block - LA, Sector III, Salt Lake, Kolkata - 700 098
Ph.: (033)2335 9088 / 8212, Fax : (033)2335-5272
Internet: www.wbpcb.gov.in

Memo No. - 5L/WPB-2005/M-13

Dated: .04.2009

Speed Post

NOTICE FOR APPEARANCE

After careful consideration of the records kept and maintained by the State Board and in terms of the public complaint the following units are directed to appear before the State Board on 22-05-2009, at 13:00 Hrs., through its/their Mg. Director / Director / General Manager / Manager / Proprietor / Partner / Owner / Occupier as the case may be, in the office of the State Board at 'Paribesh Bhawan', 4th Floor, Bldg. 10A, Block LA, Sector III, Salt Lake City, Kolkata - 700 098, with all statutory Licenses including Consent / Permission of the West Bengal Pollution Control Board, if any.

Name of the unit and address:

a). M/s. Biswanath Bani Mill, Vill & PO - Meghadanga, Dist. - Purba Madinipore, W.B.

2. In case of non-appearance, the State Board may issue necessary regulatory order against the said unit considering the records kept and maintained by the State Board without any further reference.

Sd/-
(Debi Prasad Banerjee)
Senior Law Officer,
West Bengal Pollution Control Board.

Memo No. ^{4/84 (1-5)} 5L/WPB-2005/M-13

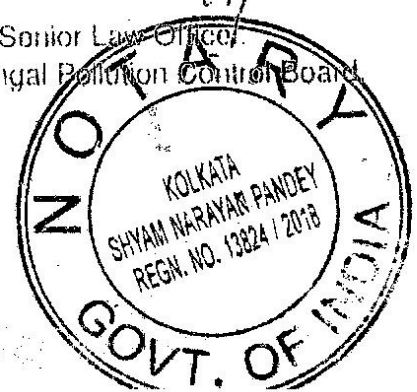
Dated: 24.04.2009

Copy forwarded to:

1. M/s. Biswanath Bani Mill, Vill & P.O. - Meghadanga, Dist. - Purba Madinipore, W.B.
2. The General Manager, District Industries Centre, Purba Medinipore, Dharinda, Tamruk, Dist. - Purba Medinipore, W.B., Pin - 721602. (He is requested to please remain present in the said hearing).
3. Sri Raghnath Maey, Branch Post Master, Meghadadanga, Dist. - Purba Madinipore, W.B. (He is requested to please remain present in the said hearing).
4. The Senior Environmental Engineer, Project & Planning, WBPCB. (He is requested to please remain present in the said hearing).
5. The Chief Engineer I, WBPCB.
6. The Environmental Engineer, Haldia Regional Office, WBPCB.

(SLE)

[Signature]
Senior Law Officer,
West Bengal Pollution Control Board



WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
"Paribesh Bhawan", 10A, Block-LA, Sector-III, Salt Lake, Kolkata-700098.
Ph : (033)2335-9088/8212, Fax : (033) 2335-5272

1. Date of hearing with time : 22-05-2009 at 13:00 Hrs.
2. Purpose of the hearing : To discuss about the pollution problem - caused by M/s. Biswanath Bani Mill, (husking mill), Vill. & P.O. Meghadanga, Dist: Purba Medinipore, W.B.
3. Venue of the hearing : Hearing Room, 4th. Floor,
"Paribesh Bhawan", Salt Lake, Kolkata.

RECORD OF PROCEEDINGS

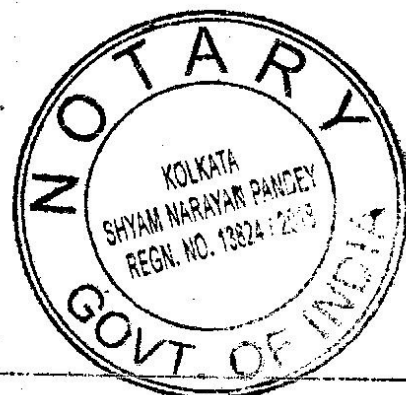
Sri Raghunath Maity, Post Master of Meghadanga Post Office, appeared on behalf of the complainant. None appeared on behalf of the unit even after proper notice being issued to the unit.

State Board received a complaint against an unit namely M/s. Biswanath Bani Mill, Vill. & P.O. Meghadanga, Dist: Purba Medinipur, W.B. for a considerable period of time and number of regulatory orders issued against the said unit, but it is reported that the unit is still creating environmental hazards in the surrounding areas of the unit.

The Post Master of Meghadanga Post Office submits that due to running of the diesel machine of the unit under question, serious air pollution and noise pollution are being generated and therefore, office work is largely hampered.

It reveals from the earlier records the said unit was established on irrigation land and the same was duly demolished by the competent authority and the same was also reported to the Hon'ble High Court, Calcutta, in connection with W.P. No.17547 (W) of 2005. But it appears that the said unit once again started in irrigation land and also without 'Consent to Establish' and 'Consent to Operate' of the State Board which is a serious violation of the law of the land.

Accordingly, the said unit is directed to close its functioning with immediate effect and Officer in Charge, Panskura Police Station should execute the closure order and if it is found the said unit is established on the irrigation land then the entire construction need to be demolished in consultation with Irrigation Department. Local Police Station may also take pro-active move in this matter.



Secretary, WBSEDCL is also requested to advise his good office to disconnect the electricity of the said unit with intimation to the West Bengal Pollution Control Board. As per order of the Hon'ble High Court, Calcutta, WBSEDCL or any electric supplying authority should not extend electricity to any unit who have not obtained 'Consent to Establish' from the West Bengal Pollution Control Board.

During hearing, Senior Environmental Engineer-(P) of the State Board present in the hearing and placed the inspection report for consideration of the hearing officer.

Accordingly, matter stands disposed of.

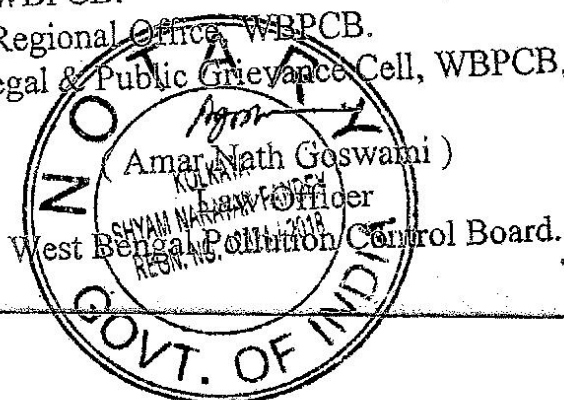
Sd/-
(Biswajit Mukherjee)
Chief Law Officer
Department of Environment
And
West Bengal Pollution Control Board.

No. 584(1)-5L/WPB-2005/M-13

Dated : 28/5 , 2009.

Copy forwarded to :-

- 1) M/s. Biswanath Bani Mill, Vill. & P.O. Meghadanga, Dist: Purba Medinipore, W.B.
- 2) The General Manager, District Industries Centre, Purba Medinipore, Dharinda, Tamluk, Dist: Purba Medinipore, W.B. Pin-721602.
- 3) Sri Raghunath Maity, Branch Post Master, Meghadanga, Dist: Purba Medinipore, W.B.
- 4) The Officer in Charge, Panskura Police Station, Panskura, Dist: Purba Medinipore.
- 5) The Superintendent of Police, Purba Medinipur.
- 6) The Secretary, West Bengal State Electricity Distribution Company Limited, Bidyut Bhawan, Salt Lake City, Kolkata.
- 7) The Sr. Environmental Engineer-(P), WBPCB.
- 8) The Environmental Engineer, Haldia Regional Office, WBPCB.
- 9) The Asst. Environmental Engineer, Legal & Public Grievance Cell, WBPCB.



-93-

ANNEXURE - A-12

REGD. POST NT

WEST BENGAL STATE ELECTRICITY DISTRIBUTION CO. LTD.

(A Government of West Bengal Enterprise)

OFFICE OF THE STATION MANAGER, PANSKURA GR. ELECTRIC SUPPLY, PANSKURA, PURBA MEDINIPUR

Memo No. PKU/Dipak Das/ 1776

Date 26 June 2009

To
Sri Dipak Kr. Das,
Prop. of M/S. Biswanath Bani Mill
VIII.+P.O.- Meghadangar,

Sub.- Intimation against disconnection of service line of your industrial premises having consumer no. - 180031 on 24.06.2009 as per order of the Chief Law Officer, Department of Environment and West Bengal Pollution Control Board, Govt. of West Bengal.

Sir,

As per order of the Chief Law Officer, Department of Environment and West Bengal Pollution Control Board, Govt. of West Bengal, vide no.- 584(2) 51/WPB-2005/M-13 dt. 28.05.09 and subsequent instruction of the higher authority of WBSEDCL, notice to disconnection of your Industrial unit, M/S Biswanath Bani Mill located at Vill&P.O.-Meghadangar, Dist.- Purba Medinipur was sent to you through Registered with AD post vide this office memo no.- PKU/Dipak Das/1704 dt. 22.06.09 and also an extra copy was sent to you through Courier Service for acknowledgement this notice promptly. But sorry to inform you that no body was present at your industrial premises to accept this extra copy of notice.

However for implementation of the order of West Bengal Pollution Control Board, Govt. of West Bengal. Our technical staff of Panskura Gr. E/S went to the spot for disconnection of the service line of your Industrial unit bearing consumer no.- 180031 in four times on 23.06.09 & 24.06.09 - but failed due to your absence on the spot.

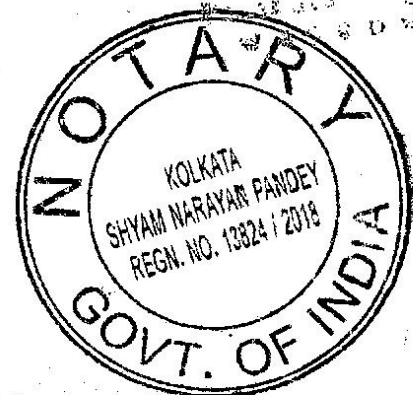
Lastly on 24.06.09 after noon, the said order has been implemented by us through disconnection of the service line of your Industrial Unit bearing consumer no.- 180031 in absence of you but in presence of two witnesses of your locality, namely - Sri Swapan Adak and Sri Karick Kar who also signed in the respective Blue Card preserved at this office.

This is for your information please.

Thanking you

Yours faithfully,

Sarkar
24/06/09
(P.SARKAR)



LEGIBLE COPIES

DISTRICT: PURBA MEDINIPUR

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P. No. 10855 (W) of 2009.

In the matter of:

An application under Article 226 of
the Constitution of India.

-And-

In the matter of:

A writ and/or order or orders
and/or directions in the nature of a
writ of Mandamus and/or
prohibition and/or certiorari.

-And-

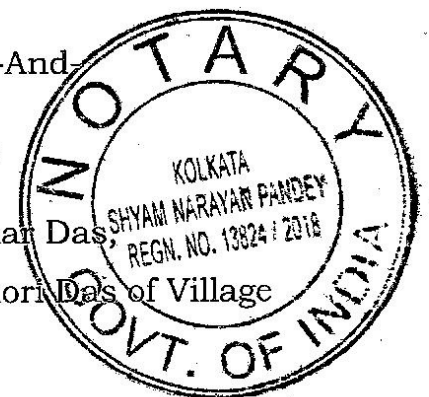
In the matter of:

An illegal and arbitrary order
contained in memo No. 564(2)-
51/dup-2005/W-13, dated 20.5.09
issued by the Chief Law Officer,
Department of Pollution Control
Board thereby directing the
petitioner to close his business.

-And-

In the matter of:

Shri Dipak Kumar Das,
Son of Shri Kishori Das of Village



Thy
Shyam Narayan

DISTRICT : PULKA

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

No. 10855 (1) of 2009.

In the matter of :

An application under Article 226 of the
Constitution of India.

And

In the matter of :

.. writ and/or order or orders and/or direction
in the nature of a writ or mandamus and/or
prohibition and/or certiorari.

And

In the matter of :

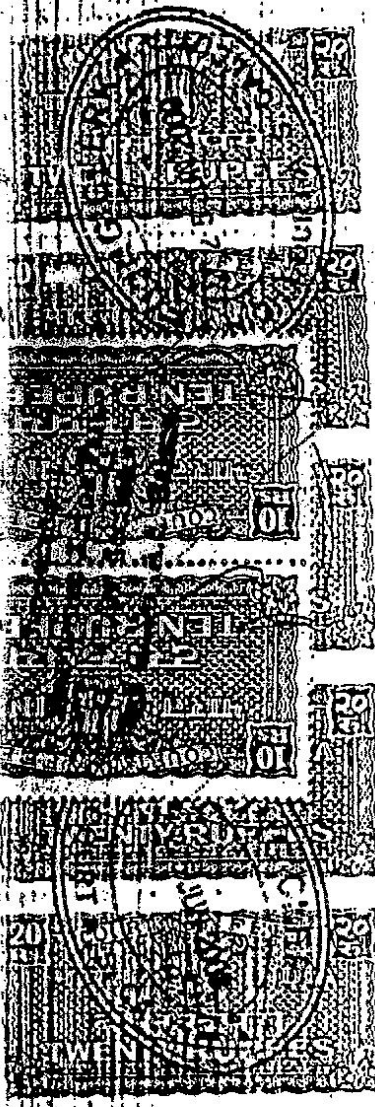
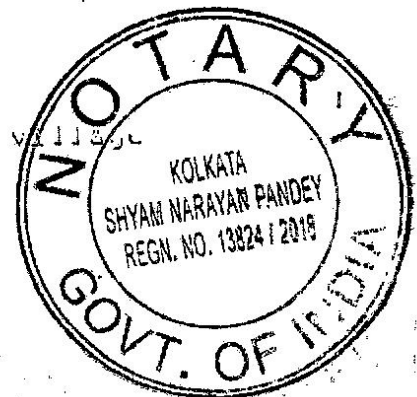
An illegal and arbitrary order contained in
memo No. 564(2)-51/JLP-2005/W-13, dated 20.5.05
issued by the Chief Law Officer, Department of
Pollution Control Board thereby directing the
petitioner to close his business.

And

In the matter of :

Shri Dipak Kumar Das,
son of Shri Kishori Das of village

By
18.12.09



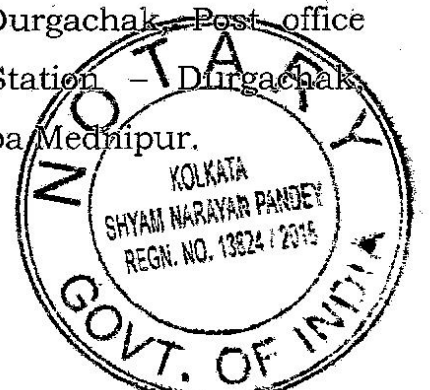
28305

Bakhrabaj, Post office -
Meghadangar, Police Station -
Panskura, District - Purba
Medinipur.

...Petitioner

-Versus-

1. The State of West Bengal,
Service through the Secretary,
Government of West Bengal,
Department of Environment,
Writers' Buildings, Kolkata -
700001.
2. The West Bengal Pollution
Control Board, (Department of
Environment), Government of West
Bengal, service through the
Secretary of the said Board,
Paribesh Bhawan, 10A, Block-LA,
Sector - II, Salt Lake, Kolkata -
700106.
3. The Chief Law Officer
Department of Environment and
West Bengal Pollution Control
Board, Paribesh Bhawan, 10A,
Block-LA, Sector - II, Salt Lake,
Kolkata - 700106.
4. The Environmental Engineer,
WBPCB, Halida Regional Office,
WBPCB, at Durgachak Post office
and Police Station - Durgachak,
District - Purba Medinipur.



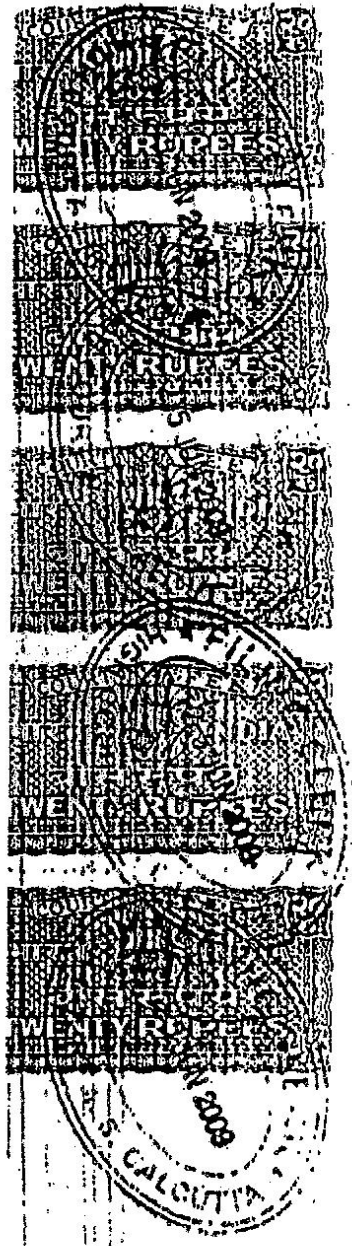
- (2) -

Lachmapaj, Post Office Begnadanja, Police Station Panskura, District Purba Medinipur.

... .. Petitioner.

- v - e - r - s - u - s -

- 1). The State of West Bengal, service through the Secretary, Government of West Bengal, Department of Environment, Writers' Buildings, Kolkata-700 001.
- 2). The West Bengal Pollution Control Board, (Department of Environment), Government of West Bengal, service through the Secretary of the said Board, Paribesh Bhawan, 107, Block-LA, Sector-III, Salt Lake, Kolkata-98.
- 3). The Chief Law Officer, Department of Environment and West Bengal Pollution Control Board, Paribesh Bhawan, 107, Block-LA, Sector-III, Salt Lake, Kol-98.
- 4). The Environmental Engineer, WPCB, Malda Regional Office, WPCB, at Buryachak, Post Office and Police Station Buryachak, District Purba Medinipur.



Ref
18.12.09

continued ...
continued

12

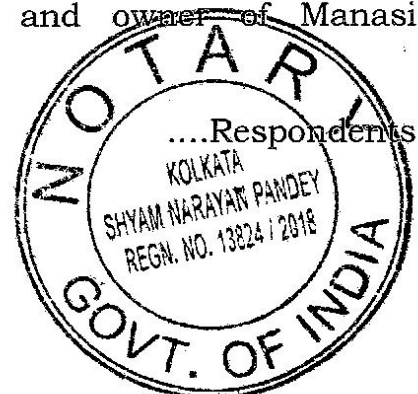
5. The General Manager,
District Industries Centre, Purba
Medinipur, at Dharinda, Post Office
and Police Station - Tamluk, District
- Purba Medinipur.

6. The West Bengal State Electricity
Distribution Company Ltd. service
through the Secretary of the said
company, Bidyut Bhawan, Salt
Lake, Kolkata - 700091.

7. The Station Manager,
WBSEDCL Panskura Group
Electricity Supply, Post Office and
Police Station - Panskura, District -
Purba Medinipur.

8. The Officer-in-Charge,
Panskura Police Station, Post Office
Panskura, District - Purba
Medinipur.

9. Shri Raghunath Maity,
Son of Late Bibhuti Bhusan Maity
being the Post Master of
Meghadangar Post office -
Meghadangar, District - Purba
Medinipur and owner of Manasi
Bani Mill.



- :: (3) :: -

- 5). The General Manager,
District Industries Centre, Furda Medinipur.
at Bharinda, Post Office and Police Station
Tamluk, District Furda Medinipur.

- 6). The West Bengal State Electricity Distribution Company Ltd., service through the
Secretary of the said company, Bidyut Bhawan
Salt Lake, Kolkata-700 091.

- 7). The Station Manager,
WBSEDC Ltd., Panskura Group of Electric
Supply, Post Office and Police Station
Panskura, District Furda Medinipur.

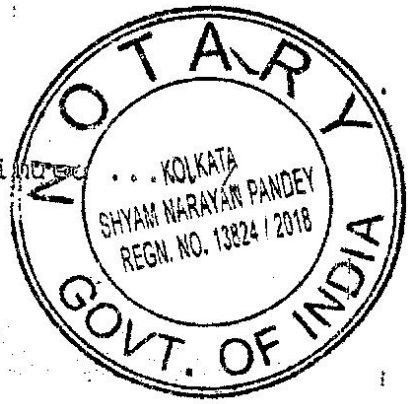
- 8). The Officer-in-Charge,
Panskura Police Station, Post Office Panskura
K.S., District Furda Medinipur.

- 9). Shri Kashunath Maity,
son of late Bihuti Shusan Maity being the
Post Office,
Post Master of Meghadanga, Post Office Megha-
danga, District Furda Medinipur and owner
of Mahasi Lani Mill.

... .. RESPONDENTS.

BSJ
13.12.09

continued



Case by Office or Advocate	Serial No	Date
	26.	1.2009 (990)

Office notes, reports, Orders or proceedings with signature

W.P.10855(W) Of 2009

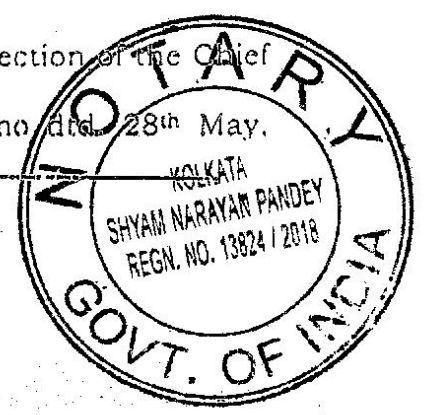
Mr. Golam Mastafa.....for the petitioner.

Mr. Kallol Basu,
Mr. Talay M. Siddiqui
..for the W.B. Pollution Control Board.

Mr. Rammohan Chattopadhyay
.....for W.B.S.E.D.C.L.

It is submitted on behalf of the petitioner that his client presently is not encroaching any land owned by the Irrigation Department. The said learned advocate has further submitted that the General Manager, District Industries Centre, Furba Medinipur, has already issued the acknowledgement of Entrepreneurs Memorandum being annexure 'P-3' to the writ petition. The West Bengal Pollution Control Board Authorities, however, directed the W.B.S.E.D.C.L. to disconnect the supply of electricity to the unit of the petitioner as the said unit did not obtain the 'Consent to Establish' from the West Bengal Pollution Control Board. The learned advocate for the petitioner referred to the memo dated 8th January, 2004 issued by the West Bengal Pollution Control Board whereby and whereunder the said Pollution Control Board granted 'Consent to Establish' to the unit. The relevant direction of the Chief Law Officer as mentioned in the memo dtd. 28th May, 2009 is quoted below:

B.C.
18.12.09



Name of Officer or Advocate	Serial No.	Date	Office notes reports, Orders or proceedings with signature
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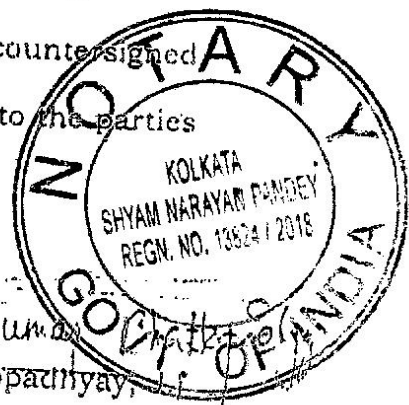
"Secretary, WBSEDCL is also requested to advise his good office to disconnect the electricity of the said unit with intimation to the West Bengal Pollution Control Board. As per order of the Hon'ble High Court, Calcutta, WBSEDCL or any electric supplying authority should not extend electricity to any unit who have not obtained 'Consent to Establish' from the West Bengal Pollution Control Board."

Since the petitioner has admittedly obtained the 'Consent to Establish' for the unit and at present there is no encroachment of any land by the petitioner belonging to Irrigation Department, I do not find any reason as to why the WBSEDCL authorities will not restore the supply of electricity to the said unit. However, I make it clear that in the event the respondent WBSEDCL authorities find that the petitioner is still encroaching any government land then supply of electricity should not be restored in terms of this order. With the aforesaid directions, I dispose of this writ petition and quash the order passed by the Chief Law Officer under memo dated 28th May, 2009 being Annexure 'P-4' to the writ petition. The respondent no.7 is directed to restore the supply of electricity to the unit of the petitioner immediately subject to payment of necessary charges.

There will be, however, no order as to costs.

Xerox plain copy of this order duly countersigned by the Assistant Registrar (Court), be given to the parties on usual undertakings.

Sd/- Pranab Kumar Chattopadhyay
(Pranab Kumar Chattopadhyay)



28.12.09

-102-

ANNEXURE - A-14.

WEST BENGAL STATE ELECTRICITY DISTRIBUTION CO. LTD.

(A Government of West Bengal Enterprise)

Office of the A. E. & Station Manager, Panskura Gr. Electric Supply, Panskura, Purba Medinipur

Memo No.-PKUJ *Dipak Kr. Das / 6687*

Date *26.12.09*

To
Sri Dipak Kr. Das.
S/O- Kishori Das,
Vill.- Bakhrabaz,
P.O.- Meghadangar
P.S.-Panskura
Dist.- Purba Medinipur

Sub.- Arrangement for submission of proper authentic documents of the land bearing plot no.- 165, Khatian No.- 157, J.L. No.- 92, Mouza - Meghadangar.

Ref.- W.P.No.- 10855(W) of 2009

Dipak Kr. DasPetitioner

Vs

The State of W.B.& Ors. Respondents

Dear Sir,

As per order dt. 26.11.09 passed by the Hon'ble Justice, Pranab Kr. Chattopadhyay, Kolkata High Court against WP No.- 10855(W) of 2009, you are requested to submit the following authentic documents to this office immediately to comply the above ref. Court Order :

- i). Whether the land bearing plot no.- 165; Khatian No.- 157, J.L. No.- 92, Mouza Meghadangar, where your Mill is situated, owned by you or not ?
 - a) If yes, proper authentic documents are required to be submitted positively by 08.01.2010 for onward submission of the same to the Court.
 - b) If not, your service line is liable to be disconnected as per Court order dt. 26.11.09, which is enclosed.

This may be treated as extremely urgent.

Yours faithfully,

Encl: As stated.

Sarkar
24/12/09
(P. SARKAR)

Asst. Station Manager
Panskura Gr. E.S.
WBSEDC



-103-

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED
Office of the A.E. & Station Manager, Panskura, Purba Medinipur

Memo.No. PKU/Dipak Kr. Das/ 1417

Di. 24/6/10

To
Sri Dipak Kr. Das.
C/o. Biswanath Bani Mill,
Vill+ P.O.- Meghadangar.
Dist.- Purba Medinipur.

REMINDER

Sub: FINAL NOTICE before disconnection of your Service Line of Industrial premises bearing Consumer No.1800312..

Ref: W.P.No. 10855 (W) of 2009., Dipak Kr.Das (Petitioner) -Vs- State of W.B. & Ors. (Respondents).

Dear Sir,

Order of Hearing of the C.G.R.O., Tamluk(D) Cir., WBSEDCL vide M/No. TDC/2-24B/613 dt 08.06.10.

As per the order dt. 26.11.09 passed by the Hon'ble Justice, Mr. Pranab Kr. Chattopadhyay, Calcutta High Court against W.P.No.10855(W) of 2009 and subsequent Survey Report of concerned B.L. & L.R.O.office of Panskura-I Block, it was found that you are encroaching the Govt. Land (Kiver Bandh) for your above Industrial (Bani Mill) connection purpose which situated over Plot No.164, J.L.No.92, at Mouza-Meghadangar.

In this context it may be mentioned here that a letter was issued earlier from this end vide this office memo no.- PKU/Dipak Kr. Das/1007dt. 04.06.10 for submission of the documents of the encroached plot no.- 164 at Mouza-Meghadangar – but, you did not comply the same till date.

Hence, you are once again requested to submit the relevant authentic documents against the above plot of land (Plot No.164, Kh,157, J.L.No.92, Mouza-Meghadangar) immediately within 07 (seven) days from the date of receipt of this letter – otherwise, due to failure of submission of documents of the said plot of land, necessary steps for disconnection of your Industrial service line (S/C No. SER/128055, Con.No.-1800312) would be physically effected from this end without any further reference to you.

This may be treated as FINAL NOTICE before taking steps of disconnection.
Thanking you,

Yours faithfully,

Sarkar
(P. SARKAR) 23.6.10

Memo.No. PKU/Dipak Kr. Das/ dt.

Copy forwarded for inf. & w/a. please to :

- 1) The S.E. & Circle Manager, Tamluk(D)Circle, WBSEDCL.
- 2) The Divisional Manager, Tamluk(D)Divn., WBSEDCL.
- 3) The C.C.R.O., Tamluk(D)Circle, WBSEDCL.



WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LTD.

(A GOVERNMENT OF WEST BENGAL ENTERPRISE)

OFFICE OF THE A.E. & STATION MANAGER, PANSKURA GR. ELECTRIC SUPPLY, PANSKURA, PURBA MEDINIPUR

Memo No. PKU/

Date

To
The Divisional Manager,
Tamluk (D) Division,
WBSEDCL,
Tamluk, Purba Medinipur

Sub.- Information of effecting physical disconnection on 28.12.10 to the industrial premises of Biswanath Bani Mill (Prop.-Dipak Kr. Das) bearing consumer no.- I800312 at vill.+P.O.- Meghadangar, P.S.-Panskura, Dist.- Purba Medinipur as per order of the Hon'ble High Court, Calcutta and subsequent order of the C.G.R.O, CGRF, Tamluk (D) Circle, WBSEDCL.

Sir,

As per order of the Hon'ble High Court, Calcutta and subsequent order of the C.G.R.O, CGRF, Tamluk (D) Circle, WBSEDCL today (28.12.10) at about 1-20 p.m., the physical disconnection to the industrial premises of Biswanath Bani Mill (Prop.-Dipak Kr. Das) bearing consumer no.- I800312 at vill.+P.O.- Meghadangar, P.S.-Panskura, Dist.- Purba Medinipur has been effected by us along with police personnel of Panskura Police Station.

At the time of physical disconnection from nearest pole of the above industrial premises, L/R of the installed meter is 23918 units.

This is for your information and further necessary action please.

Yours faithfully,

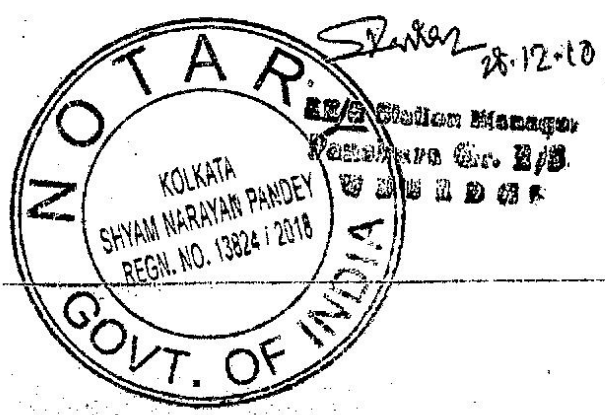
(P.SARKAR)

20/12/10

Memo no PKU 5499 (VD)

Copy forwarded for information and necessary action please to:

- i) The S.E. & Circle Manager, Tamluk (D) Circle, WBSEDCL.
- ii) The Supdt. of Police, Tamluk, Purba Medinipur
- iii) The Sr. Manager, Legal Cell, WBSEDCL, Vidyut Bhawan. Kol.- 91
- iv) The Assit. Manager, (HR&A), & Member Secretary, CGRF, Tamluk (D) Circle, WBSEDCL. This is in ref. to his letter vide memo no.- TDC/E-24/1192(i) dt. 20.08.2010.
- v) The Officer-in-Charge, Panskura Police Station, Panskura, Purba Medinipur.
- vi) Sri Raghunath Maity, vill.+P.O.- Meghadangar, P.S.-Panskura, Dist.- Purba Medinipur. This is in ref. to the Order of hearing dt. 20.08.10 of the CGRO, CGRF, Tamluk (D) Circle, WBSEDCL
- vii) Sri Dipak Das, Prop. of Biswanath Bani Mill bearing consumer no.- I800312 of vill.+P.O.- Meghadangar, P.S.-Panskura, Dist.- Purba Medinipur



DISTRICT : PURBA MEDINIPUR.

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

W. P. No. 460 (W) of 2011.

In the matter of :

An application under Article 226 of the
Constitution of India.

And

In the matter of :

A writ and/or order or orders and/or direc-
tion in the nature of a writ of Mandamus
and/or Prohibition and/or Certiorari.

And

In the matter of :

Illegal and arbitrary acts on the part of
Assistant Engineer & Station Manager, respon-
dent no.2 relating to the service connection
of the petitioner.

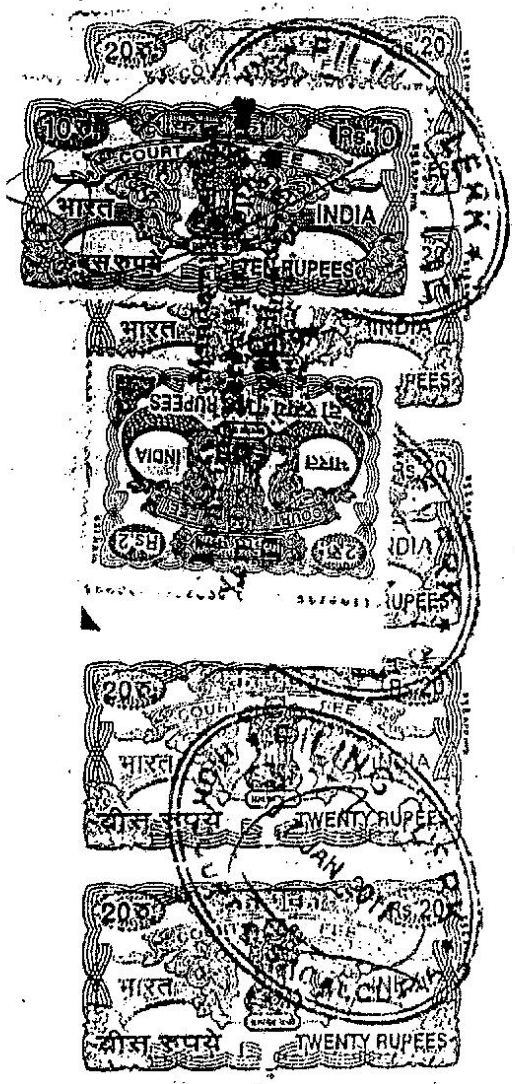
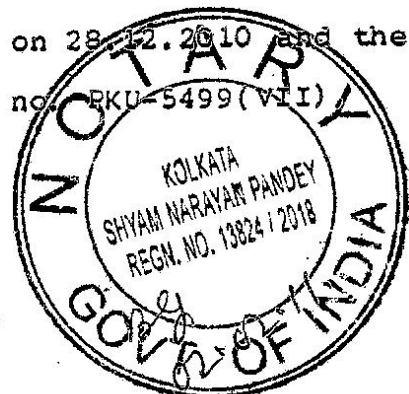
And

In the matter of :

Illegal disconnection of the electric supply
of the petitioner on 28.12.2010 and the
letter being memo no. RKU-5499(VII)
dated 29.12.2010.

And

In the matter of :



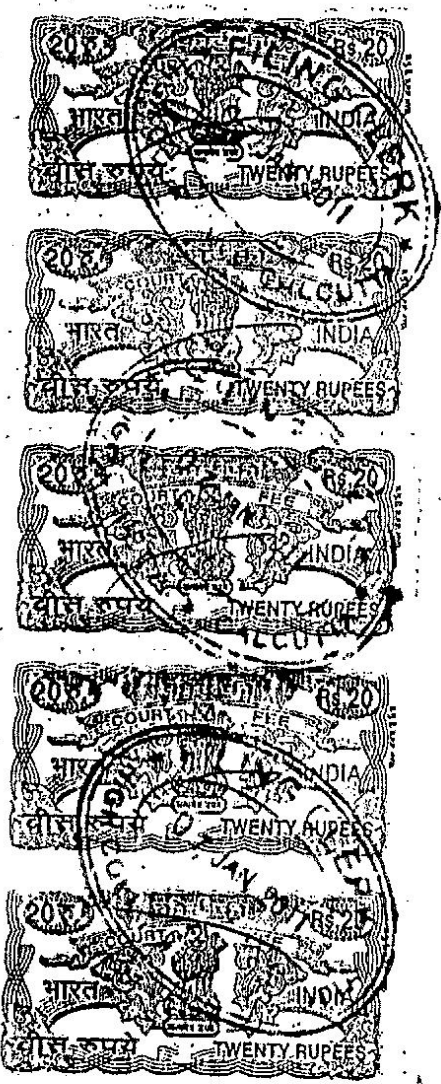
823

- :: (2) :: -

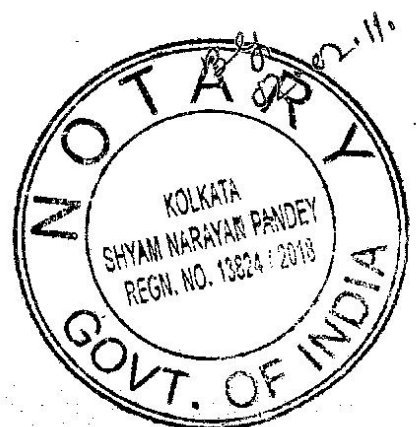
SHRI DIPAK KUMAR DAS,
son of Kishori Das of village Bakhrabaz,
Post Office Meghadangar, Police Station
Panskura, District Purba Medinipur.

... .. Petitioner.

- v e r s u s -



- 1). The West Bengal State Electricity Distribution Company Ltd., service through the Chairman of the said Company, Bidyut Bhawan, Salt Lake, Kolkata-91.
- 2). The Station Manager,
West Bengal Electricity Distribution Company Ltd., Panskura Group of Electric Supply, Post Office and Police Station Panskura, District Purba Medinipur.
- 3). The District Engineer,
West Bengal Electricity Distribution Company Ltd., Purba Medinipur, Post Office Tamluk, District Purba Medinipur.
- 4). The Divisional Manager, Tamluk 'D' Division, West Bengal Electricity Distribution Company Ltd., Panskura, District Purba Medinipur. Respondents.



M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
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14-01-2011
sb-9

In The High Court At Calcutta
Constitutional writ Jurisdiction
Appellate side

W.P.No.460(W) of 2011
Shri Dipak Kumar Das

-vs-

The West Bengal State Electricity Distribution Company
Limited & Ors.

Mr. Golam Mostafa for the petitioner

Mr. R. M. Chattopadhyayfor the licensee

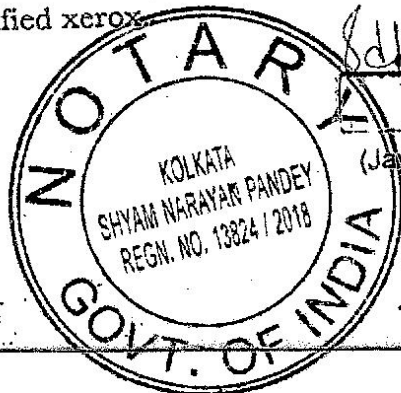
Counsel concedes that the petitioner is not the owner of the property wherefrom supply of electricity was given to him. Supply has been disconnected in terms of an order of this Court. The impugned decision is at p.30.

In view of the fact that the petitioner has no right to take electricity from any pole at the place in question, I do not find any reason to direct the licensee to reconnect his supply.

Counsel has said that if this Court is not inclined to interfere with the impugned decision, then the petitioner may be given liberty to apply for new connection.

Needless to say that in view of the provisions of s.43 of the Electricity Act, 2003, the petitioner is free to apply seeking supply of electricity, and that if an application is filed, the licensee will incur a statutory obligation to decide the application. But he is not entitled to any relief in this case.

For these reasons, the art.226 petition is dismissed.
No costs. Certified xerox.



Sd/- Jayanta Kumar Biswas
(Jayanta Kumar Biswas, J.)

13/01/2011

F- 622/2011
28/4/11

DISTRICT - PURBA MIDNAPPORE

2011-11-30
MAT

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

MANDAMUS APPEAL

Memorandum of Appeal from the original
order No. _____ of 2011

M. A. T. No. 622 Of 2011

In the matter of:-

Shri Dipak Kumar Das

Son of Kishori Das of

Village - Bakhrabaz, Post Office -

Meghadangar, Police Station - Panskura,

District - Purba Midnappore, PIN - 721152

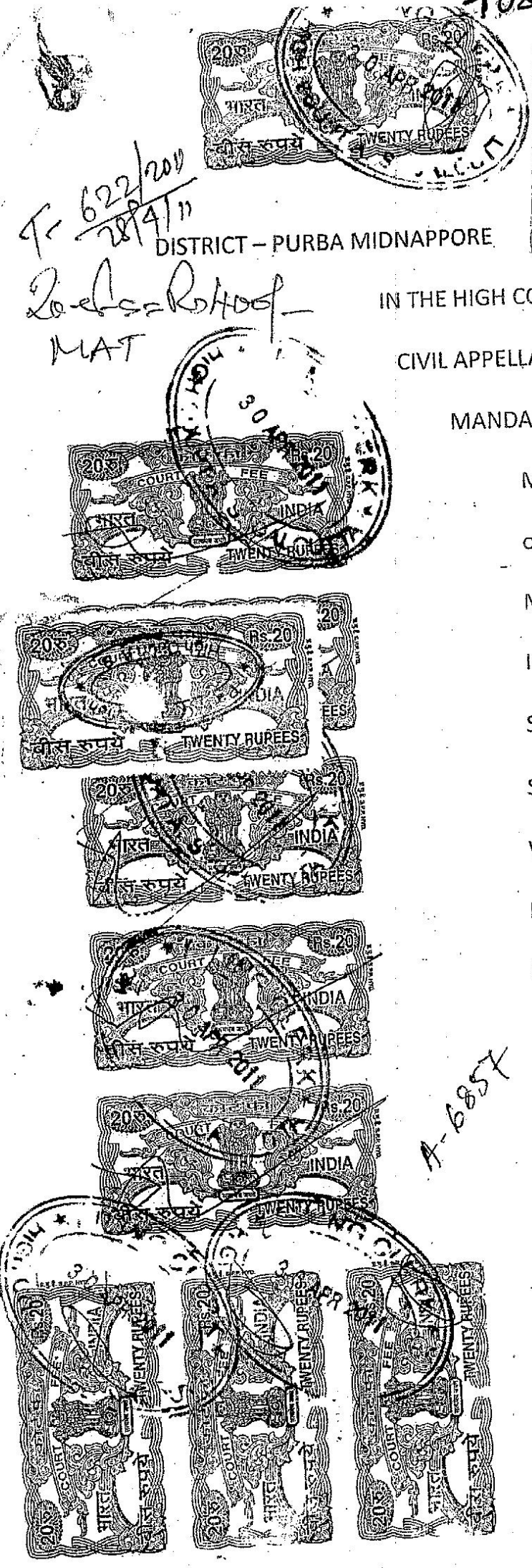
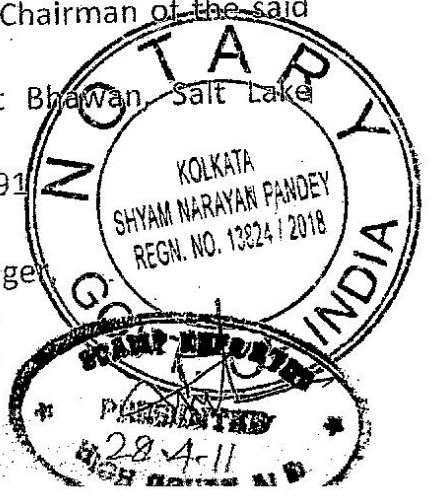
... Appellant

-Versus-

1. West Bengal State Electric Distribution
Company Ltd.

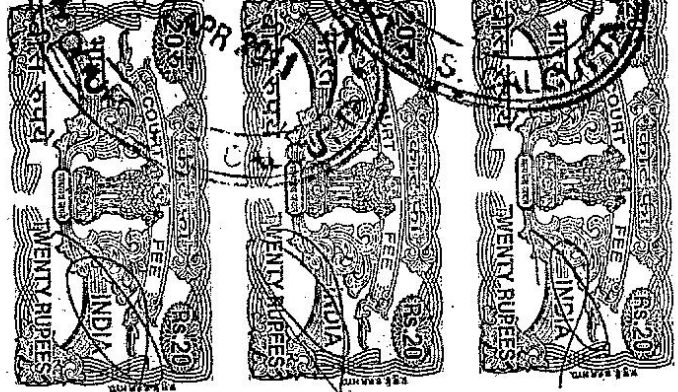
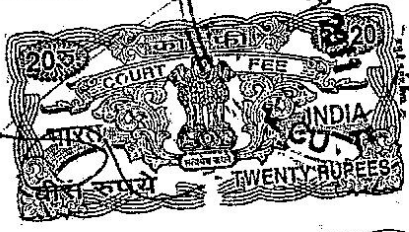
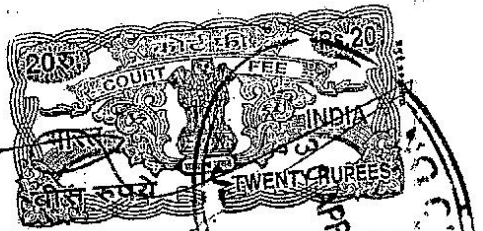
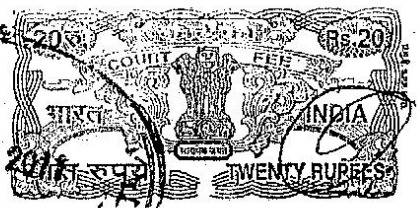
Service through the Chairman of the said
Company, at Bidyut Bhawan, Salt Lake
City, Kolkata - 700 091

2. The Station Manager



A-6857

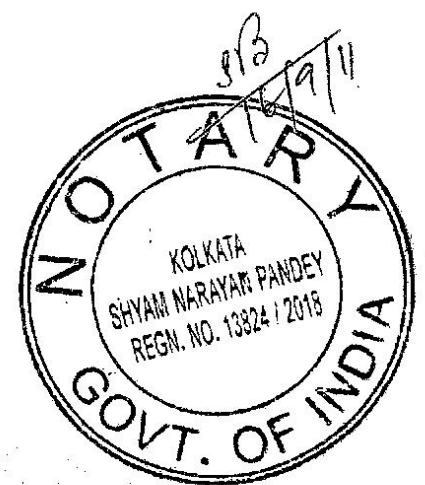
Shri Dipak Kumar Das



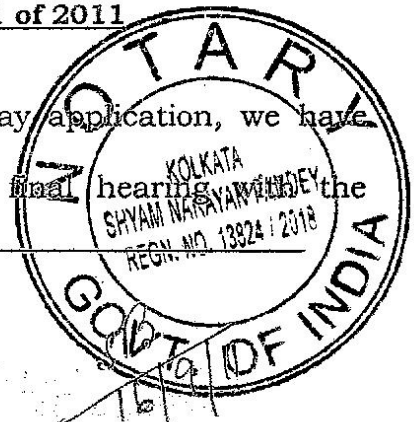
West Bengal State Electric Distribution Company Ltd., Panskura Group Electric Supply, Post Office and Police Station - Panskura, District - Purba Midnappore, PIN - 721152

- 3. The District Engineer, West Bengal State Electric Distribution Company Ltd., Purba Midnappore, Post Office - Tamluk, District - Purba Midnappore, PIN - 721636
- 4. The Divisional Manager, Tamluk D Division, West Bengal State Electric Distribution Company Ltd., Post Office - Tamluk, District - Purba Midnappore, PIN - 721636

... Respondents.

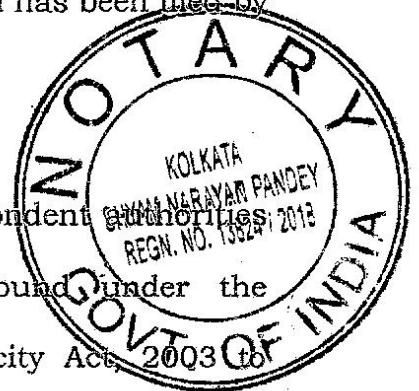


Noting by Office or Associate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
	08 rrc	26.08.11	<p>M.A.T. 622 of 2011 + C.A.N. 4506 of 2011 + <u>C.A.N. 4511 of 2011</u></p> <p>Mr. Golam MastafaFor the appellant</p> <p>Mr. Rammohan ChattopadhyayFor the W.B.S.E.D.C.L.</p> <p>Re: Application for condonation of delay (being C.A.N. 4506 of 2011)</p> <p>This application has been filed by the appellant for condonation of delay. There is a delay of 30 days in filing this appeal.</p> <p>We have perused the application for condonation of delay. In our considered opinion, sufficient cause has been shown in the prayer to condone the delay and as such, we allow the prayer made in the petition and condone the delay.</p> <p>The application for condonation of delay is disposed of accordingly.</p> <p>M.A.T. 622 of 2011 + <u>C.A.N. 4511 of 2011</u></p> <p>Instead of taking the stay application, we have taken up the appeal itself for final hearing.</p>



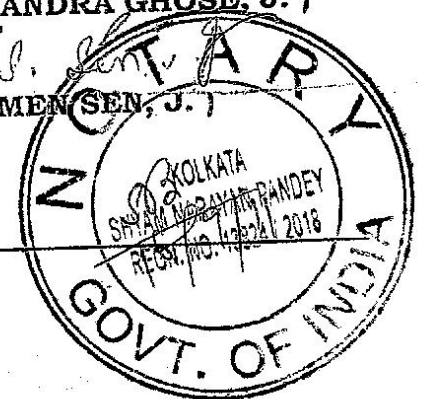
- 11 -

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>consent of the Learned Advocates for the parties by treating the same as on day's list.</p> <p>This appeal is directed against an order dated 14th January, 2011 in W.P. No. 460 (W) of 2011 passed by the Learned Single Judge where it has been specifically stated that the writ petitioner is not the owner of the property and in fact, supply of electricity has been disconnected in terms of an order passed by the Court and in that situation, the petitioner has no right to get electricity from any pole at the place in question and therefore, the Hon'ble Single Judge did not direct to reconnect the supply of electricity to the writ petitioner. Further His Lordship has held that the petitioner is free to apply for a new electricity connection and further such application is filed and the licensee shall be under the statutory obligation to take steps in the matter.</p> <p>Being aggrieved and dissatisfied with the said judgment and/or order dated 14th January, 2011 passed by the Learned Single Judge, this appeal has been filed by the writ petitioner/appellant.</p> <p>It has been stated that the respondent authorities being the Licensing Authority is bound under the provision of Section 43 of the Electricity Act, 2003 to effect supply to the writ petitioner/appellant herein.</p>



SPB
16/9/11

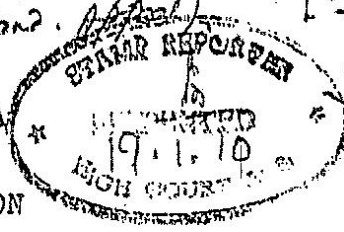
Noting o. Advocate	Office Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>Our attention has also been drawn to a Special Bench Decision which is reported in (2011) 2 W.B.L.R. (Cal.) 104 (Abhimonyu ^{Mazumdar in Supp. Exy. & Am}) where it has been specifically held that an occupier shall be at liberty to apply for new electricity connection and he has a right to get supply of electricity.</p> <p>In view of that, we find that the petitioner/appellant herein is entitled to have the supply of electricity, if he applies before the Licensing Company and complies with all the formalities which have been followed by them.</p> <p>In view of that, we only dispose of the appeal directing the Licensing Company to effect supply to the writ petitioner/appellant herein after compliance of all the formalities within a period of six weeks from the date of such compliance.</p> <p>The appeal is disposed of on the above terms.</p> <p>Since the appeal is disposed of, the connected application for stay (being C.A.N. 4511 of 2011) has become infructuous and the same is disposed of accordingly.</p> <p><i>Sd/- P. C. Ghose, J.</i> (PINAKI CHANDRA GHOSE, J.)</p> <p><i>Sd/- S. Sen, J.</i> (SOUMEN SEN, J.)</p>



113

DISTRICT: PURBA MEDINIPORE

20 of 2010 - (Mand. Appeal)



T 25/10
19/01/10

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(MANDAMUS APPEAL)

M A T No. of 2010 ;

Memorandum of Appeal from the Original Dated 26th November,
2009 passed in W.P.No.10855(W) of 2009 - Appeal under
Clause 15 of the Letters patent .

In the matter of :

Raghunath Maity son of late Babu Babhuti
Bhusan Maity, residing at Village and Post
Meghadanga, P.S. Panskura, District Purba
Medinipore .

Appellant/Respondent
No.9.

-Versus -

1. Dipak Kumar Das son of Kishori Das

Village : Bakhrabad, Post Office Meghadanga

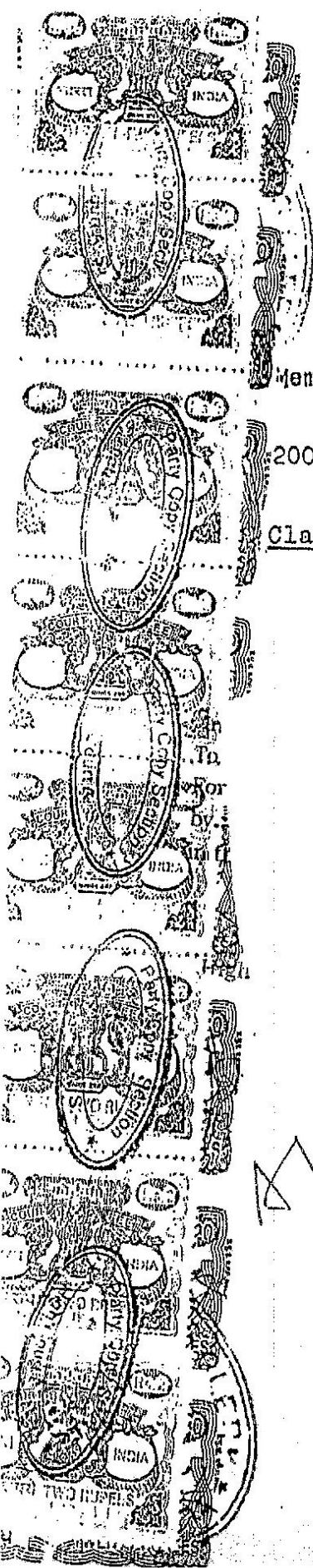
P.S. Panskura, District: Purba Medinipore

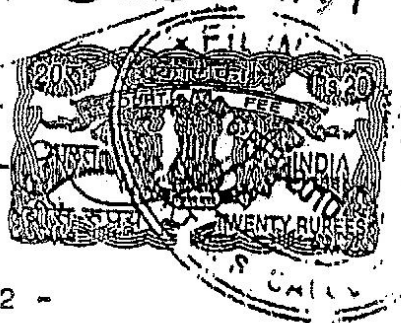
Writ petitioner/Respondent
dent no. 1.

2. The State of West Bengal, service through

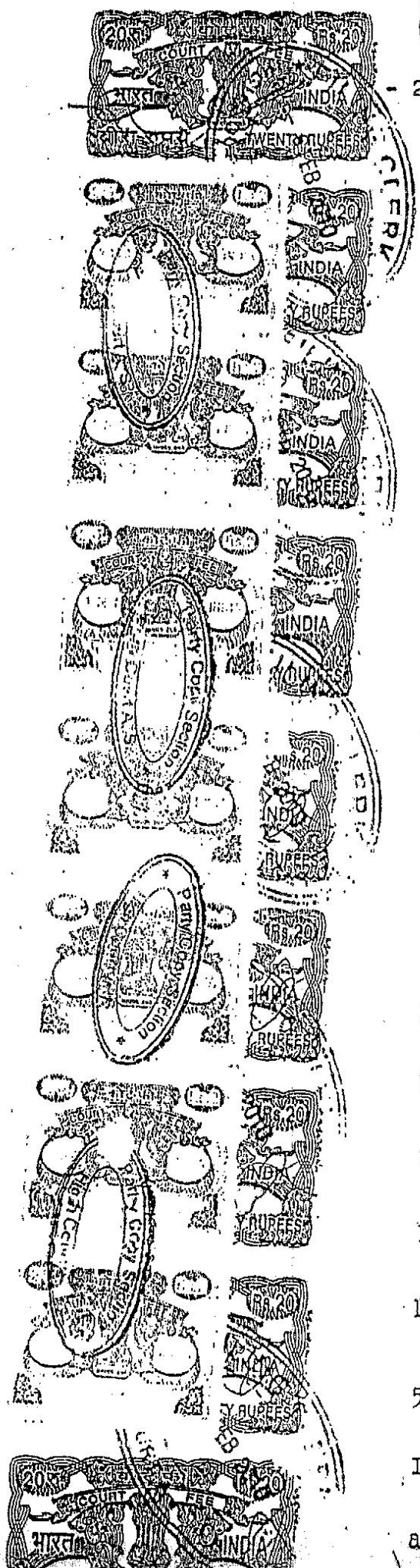


10855





2 -



Department of Environment, Writers' Buildings, Kolkata - 700 001.

2a. The West Bengal Pollution Control Board, (Department of Environment), Government of West Bengal, service through the Secretary of the said Board, Paribesh Bhawan, 10A, Block-1A, Sector-III, Salt lake , Kolkata - 98.

3. The Chief Law Officer, Department of Environment and West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block- LA, Sector-III, Salt lake City, Kolkata - 98.

4. The Environmental Engineer, WBPCB, Haldia Regional Office, WEPCL, at Durgachak Post Office: and Police Station, Durgachak, District: Purba Medinipur.

5. The General Manager, Industries Centre, Purba Medinipur, at Dharinda, Post office and Police



Station Tamluk, District: Purba Medinipore.

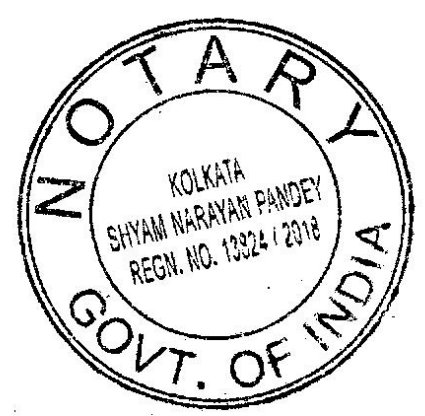
6. The West Bengal State Electricity,
Distribution Company Ltd., service
through the Secretary of the said company
Bidyut Bhawan, Salt lake , Kolkata -
700091.

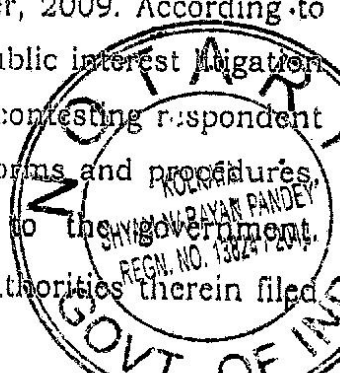
7. The Station Manager, WBSEDC Ltd.,
Panskura Group of electric Supply,
Post Office and Police Station Panskura,
District: Purba Medinipore.

8. The Officer- in- Charge,
Panskura Police Station, Post office
Panskura R.S. District Purba Medinipur.

..... Respondents.

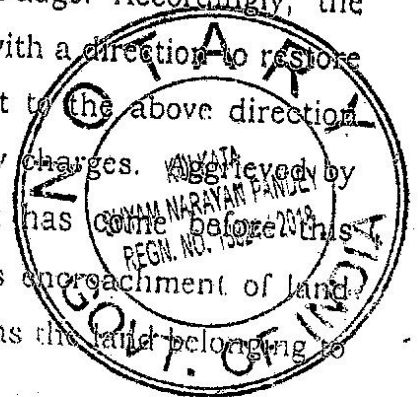
b
21/11/14



Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
11 SP CL No. 1	04.09.2014		<p style="text-align: center;"><u>F. M. A. 1438 of 2014</u></p> <p style="text-align: center;">Raghunath Maity. <u>Vs.</u> Dipak Kumar Das. & Ors.</p> <p>Mr. Sukumar Ghosh (II), Mr. Sandip Ghosh. ... For the Appellant.</p> <p>Mr. Golam Mostafa. ... For the Writ Petnr./Respdt.</p> <p>Mr. R. M. ChattopadhyayFor WBSJCL.</p> <p style="text-align: center;"><u>Re: An appln. for Condonation of delay</u> <u>(CAN 5363/14)</u></p> <p>It appears from the Stamp Reporter's report dated 9th February, 2010 that there is delay of one day's in filing the appeal.</p> <p>Having considered the averments contained in the application for condonation of delay we are satisfied that the appellant was prevented by sufficient cause from presenting the appeal in time. The delay in filing the appeal is therefore, condoned and the application for condonation of delay is allowed.</p> <p style="text-align: center;"><u>Re: An appln. for Stay (CAN 671/11)</u></p> <p>The appellant who is not a party to the proceeding before the learned Single Judge is before us challenging the judgment dated 26th November, 2009. According to him he was a party in another public interest litigation complaining that the unit of the contesting respondent herein was put up violating all norms and procedures, that too in a land belonging to the government. However, when the respondent authorities therein filed</p> <div style="text-align: right;">  </div>

b. 11/14

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>a Memo intimating them that the said unit was demolished, the public interest litigation came to be disposed of.</p> <p>According to the appellant again the unit came to be commenced by the contesting party-respondent. Therefore, in the present appeal he must be allowed to challenge the order of the learned Single Judge.</p> <p>It is pertinent to mention that W. P. No. 10855 (W) of 2009 was between Dipak Kumar Das and West Bengal Pollution Control Board. The said writ petition was filed by Dipak Kumar Das, who is a party-respondent in this case. He came before this Court contending that West Bengal Pollution Control Board authorities have directed the WSEEDCL to disconnect the supply of electricity to the unit of the petitioner as there was no consent to establish the unit from the West Bengal Pollution Control Board. After taking into consideration the entire matter the learned Single Judge passed an order in favour of the party-respondent that, since the writ petitioner thereunder had obtained consent to establish the unit in question and at present if there is no encroachment of any land by the petitioner belonging to irrigation department, there was no reason why restoration of electricity to the unit should not be made. However, the learned Judge made it clear that if the petitioner encroached any Government land, then supply of electricity should not be restored in terms of the order of the learned Single Judge. Accordingly, the matter came to be disposed of with a direction to restore the supply of electricity subject to the above direction and upon payment of necessary charges. <i>Urgently</i> conveyed by the said order, the appellant has come before this Court complaining that there is encroachment of land by the party-respondent, so far as the land belonging to irrigation department.</p>



Noting by Office or Advocate	Serial No.	Date
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Office notes, reports, Orders or proceedings with signature

Two recourses are open to the appellant herein. He can approach the West Bengal Pollution Control Board or WBSEDCL with information that they should seek a direction to disconnect electricity supply or if according to them the very establishment of the unit is in any manner causing environmental pollution to the residents of the locality, they are at liberty to file another public interest litigation and get the matter disposed of on merits.

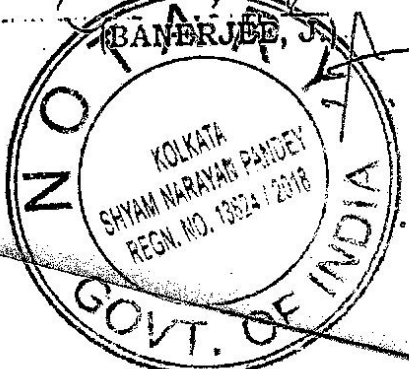
In the present appeal, as the subject-matter of the writ petition was only with regard to restoration of electricity, we are of the opinion that nothing remains in this matter for consideration. We further make it clear that the learned Single Judge has made it clear that if there is any encroachment, the electricity supply should be disconnected.

In the light of the above observation the appeal is dismissed.

In view of the order passed dismissing the appeal, the connected application for stay being CAN No. 671 of 2011 is also dismissed.

Sd/- Manjula Chellur, Chief Justice
 (MANJULA CHELLUR, CHIEF JUSTICE)

Sd/- Banerjee, J
 BANERJEE, J



b
11/11/14

-119-

ANNEXURE - A - 19.

3725
Received with our
Verification of the contents
12.12.17
Receiving Clerk
B.L. & L.R.O.
Panskura-1



West Bengal State Electricity Distribution Company Limited
(A West Bengal Government Enterprise)
OFFICE OF THE A.E. & STATION MANAGER
PANSKURA CUSTOMER CARE CENTRE
PANSKURA::PURBA MEDINIPUR

Memo No. PCCC/ 2635

Date: 12/12/17

To
B.L.R.O.,
Panskura-1,
Panskura,Purba Medinipur.

2st Reminder.

Sub: Authentication of records in respect of Sri Dipak
Kr. Das ,Prop. of Biswanath Bani Mill. Mouza-
Meghadangar . Plot No.164,Kh No -157,J.L.No-92.

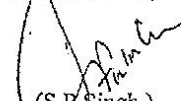
Dear Sir,

This is to intimate you that this office has received one Court Order dated 04.09.2014.passed by the Hon'ble Chief Justice in the Hon'ble High Court at Calcutta for disconnection of the Industrial premises of Sri Dipak Kr. Das ,Prop. of Biswanath Bani Mill. Mouza- Meghadangar Plot No.164.Kh No -157,J.L.No-92. Now we are unable to identify the above mention plot. So ,authenticated document is urgently required for executive the work and also physical verification of the land of the industry on Govt. property is required.

Therefore, you are requested to take necessary further action towards authentication of records in respect of Sri. of Sri Dipak Kr. Das ,Prop. of Biswanath Bani Mill. Mouza- Meghadangar . Plot No.164.Kh No -157,J.L.No-92. This is most urgent for safe guard the interest of the DCL.

Your kind co-operation in this regards will be highly solicited.

Yours faithfully,


(S.P. Singh.)
A.E.& Station Manager
Panskura.CCC.



Throught :-
Sandeep Ghosh
Advocate

District - Purba Medinipur

In the High Court at Calcutta
Constitutional Writ Jurisdiction

Appellate Side

W.P. No. 3284 (w) of 2015

And

In the matter of :-

An application under Article 226 of
the Constitution of India;

And

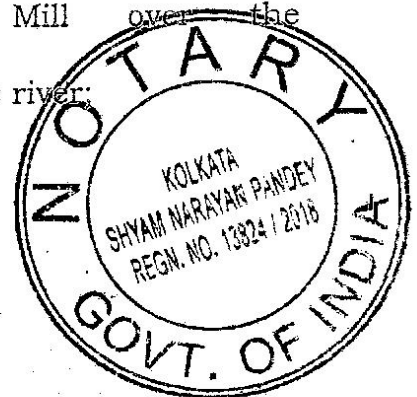
In the matter of :-

A Writ or writs in the nature of
mandamus and/or certiorari and/or
prohibition and/or any other suitable
writ or writs, order or orders and/or
direction or directions;

And

In the matter of :-

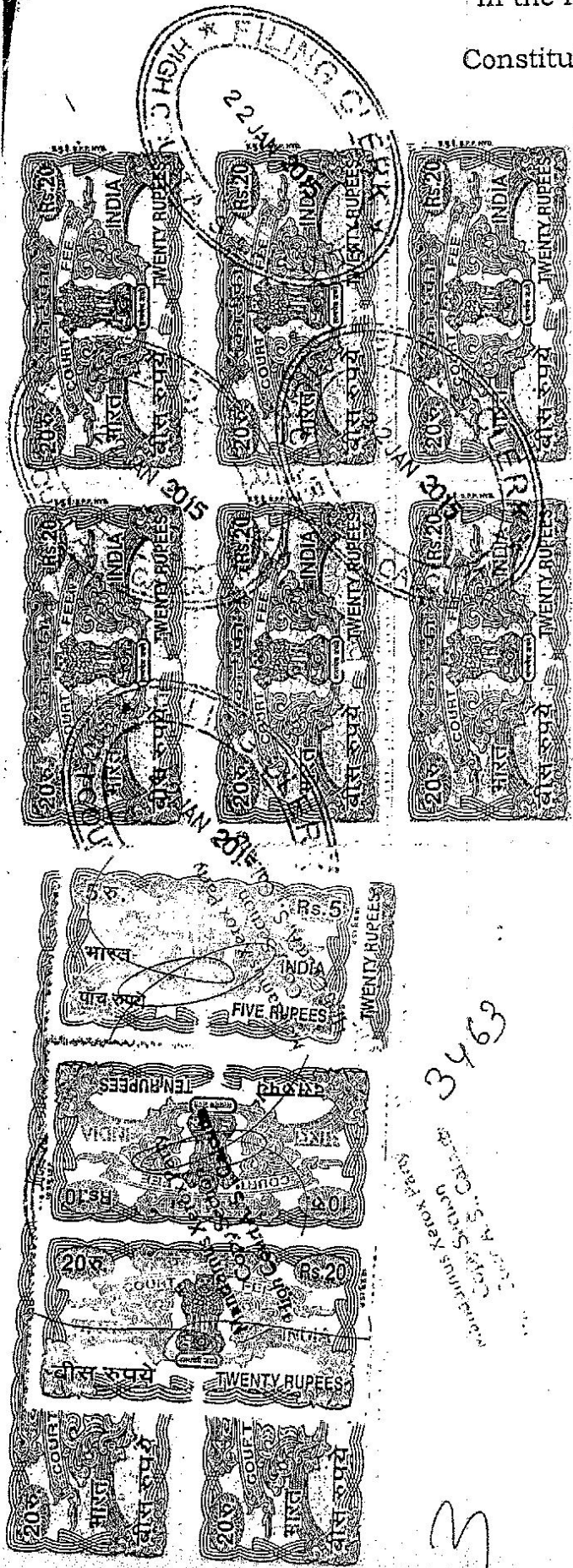
Illegal and un-authorized set up of a
Hasking Bani Mill over the
embankment of the river;



Signature
23/03/15

3463

3



And

In the matter of :-

Request has been made by the A.E. Station Manager, Panskura, CCC for taking further action forwards authentication of records in respect of unit in question.

And

In the matter of :-

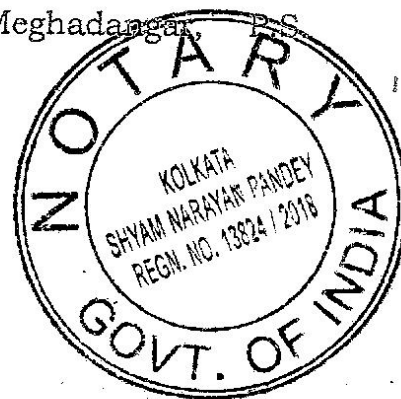
Illegal and arbitrary action on the part of the concerned B.L. & L.R.O. with regard to take action and submission of report as per Memo No. PCCC/2635 dated 12.12.14 issued A.E. & Station Manager Panskura, C.C.C. W.B.S.E.D.C.L.

And

In the matter of :-

Raghunath Maity, son of Late Bibhuti Bhusan Maity, residing at Village- and Post - Meghadanga, P.S.

Handwritten signature and date: 25/03/15



Panskura, District- Purba Medinipur,
Pin- 721152.

..... Writ Petitioner

-Versus-

1. The State of West Bengal, service through the Secretary, Land and Revenue Department, Writers Builders, Kolkata-700001.

2. The West Bengal Pollution Control Board (Department of Environment) Government of West Bengal, Service through the Secretary of the said Board, Paribesh Bhawan, 10A, Block-1A, Sector-III, Salt Lake, Kolkata-700098.

3. The West Bengal State Electricity Districention Company Ltd. Service through the Secretary of the said Company, Bidyut Bhawan, Salt Lake, Kolkata-700091.



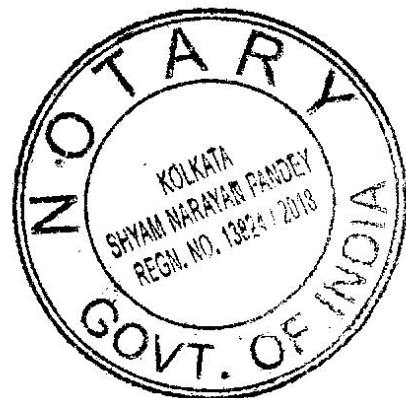
4. The Station Manager, WBSEDC Ltd., Panskura, Group Electric Supply, P.O. & P.S. Panskura, District - Purba Medinipur, Pin-721139.

5. The General Manager, District Industries Centre, Purba Medinipur as Dharinda, P.O. & P.S. Tamluk, District - Purba Medinipur, Pin - 721636.

6. The Officer-in-Charge, Panskura Police Station, P.O. Panskura, District - Purba Medinipur, Pin - 721139.

7. The Block Land and Land Reforms Officer, Panskura-1, P.O. & P.S. Panskura, District - Purba Medinipur, Pin - 721139.

G
25/08/15



8. The Divisional Manager, Tamluk
Division, WBSEDCL, P.O. Tamluk,
District - Purba Medinipur, Pin -
721636.

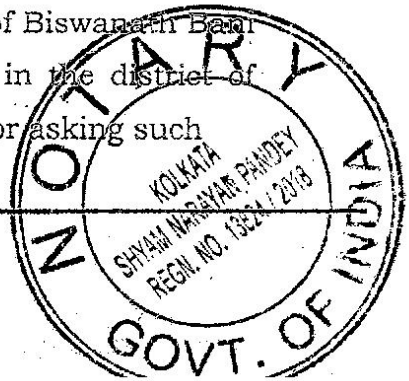
[Handwritten signature]
25/03/15



Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
	37	25.02.2015	<p style="text-align: center;">WP 3284(w) of 2015</p> <p style="text-align: center;">Raghunath Maity Vs. The State of West Bengal & Ors.</p> <p>Mr. Achyut Basu Mr. Sandip Ghosh Ms. Sonam Basu Ms. Punam Basu Mr. Anirban Saha ... For the Petitioner</p> <p>Mr. Chandhi Charan De Mr. Soumitra Bandyopadhyay ... For the State</p> <p>Mr. Arjun Ray Mukherjee ... For the Respondent no. 2</p> <p>Let the affidavit of service filed in Court be kept with the record.</p> <p>In spite of service, none appears on behalf of the respondent nos. 4 & 8.</p> <p>Heard Mr. Achyut Basu, the learned advocate for the petitioner, Mr. Arjun Ray Mukherjee, the learned advocate for the respondent no. 2 and Mr. Chandhi Charan De, the learned advocate for the State respondents.</p> <p>Mr. Basu has drawn my attention to the communication dated December 12, 2014 issued by the Assistant Engineer and Station Manager, Panskura, West Bengal State Electricity Distribution Company Ltd. to the Block Land and Land Reforms Officer, Panskura-I requesting him to take action towards the authentication of record in respect of proprietor of Biswanath Bauri Mill at Mouza - Moghadangar in the district of Purba Medinipur. The reason for asking such</p>

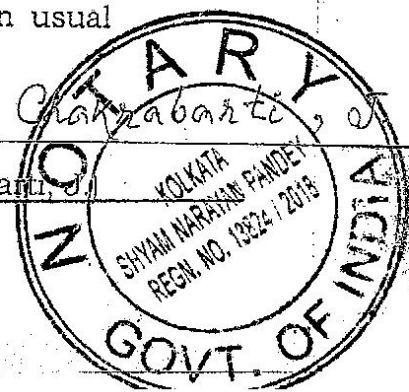
ar

25/03/15



Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		<p>authenticated copy has been explained in the said communication as the Electricity Distribution Company was not in a position to identify the concerned plot of land and, therefore, these authenticated documents were required for executing the work as directed by this Hon'ble Court.</p> <p>Mr. Basu at this stage has a rather innocuous prayer. He merely prays for disposal of the writ petition only with a direction upon the concerned Block Land and Land Reforms Officer, Panskura-I, i.e the respondent no. 7 herein to submit the report and to seek documents asked for by the concerned respondent.</p> <p>In such view of it, the writ petition is disposed of with a direction upon the respondent no. 7 to submit the documents as wanted by the appropriate authority within a period of four weeks from the date of communication of the order.</p> <p>In case he is not in a position to submit those documents he shall intimate the sender of that communication the reasons for not being able to forward those documents.</p> <p>The writ petition is disposed of.</p> <p>Since this writ petition is being disposed of without calling for any affidavit all allegations made therein are deemed to have been denied by the respondents.</p> <p>There shall be no order as to costs.</p> <p>Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.</p> <p>self- Dr. Sambuddha Chakrabarti, J.</p> <p>(Dr. Sambuddha Chakrabarti, J.)</p>

S
25/03/15



LEGIBLE COPIES

GOVERNMENT OF WEST BENGAL
OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER
PANSKURA-I

Memo No. 583/Para I

Date: 04.06.15

To
The A.E. & Station Manager,
Panskura C.C.C.
Purba Medinipur.

Sub: Authentication of records in respect of Sri
Dipak Kr. Das Prop.of Biswanath Bani Mill,
MouzaMeghadangar Plot No. 164, Kh. No.157,
J.L.No. 92.

Ref.: Misc. Memo No. PCCC/2635 dt. 12.12.14.

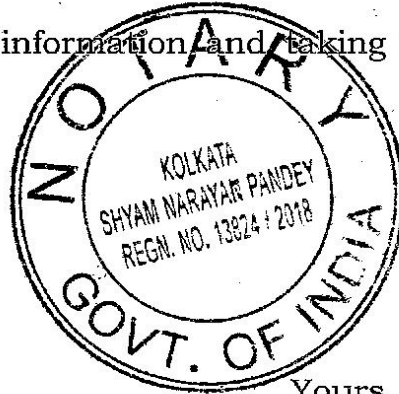
Sir,

I pursuance to subject mentioned above this is to inform you that as your kind requirement to identify the above mention plot No. 164 Kh. No. 157 Mouza Meghdangar, J.L. No. 92 a field enquiry was conducted on 22.05.15 by the official of undersigned office.

It appears from the field enquiry that 'Biswanath Bani Mill' prop. Sri Dipak Kr. Das is situated over plot No. 164. At present this land is recorded in favour of irrigation and Water Ways Dept. A photocopy of an enquiry report is enclosed herewith.

This is send to his end for information and taking necessary action.

- Enclo.: 1. Enquiry report.
2. Certified copy of R-O-R
of plot No. 164.
3. Hand Map -1 Copy



Yours faithfully,

Sd/- Illegible
04.06.15
Block Land & Land Reforms Officer
Panskura-I
B.L.& L.R.O.- Panskura-I

ILLEGIBLE PAGE

GOVERNMENT OF WEST BENGAL
OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER
PANSKURA-I

Memo No. : 583 / Pans T

Date : 04.06.15

To
The A.E. & Station Manager,
Panskura C.C.C.
Purba Medinipur.

Sub : Authentication of records in respect of Sri Dipak Kr.
Das Prop of Biswanath Bani Mill, Mouza Meghadangar.
plot no. 164. Kh. no. 157, J.L. No. 92.

Ref. : His memo.no. PCCC/2635 dt. 12.12.14.

Sir,

I pursuance to subject mentioned above this is to inform you that as your kind requirement to identify the above mention plot no. 164, kh. no. 157 mouza Meghdangar, J.L. no. 92 a field enquiry was conducted on 22.05.15 by the official of undersigned office.

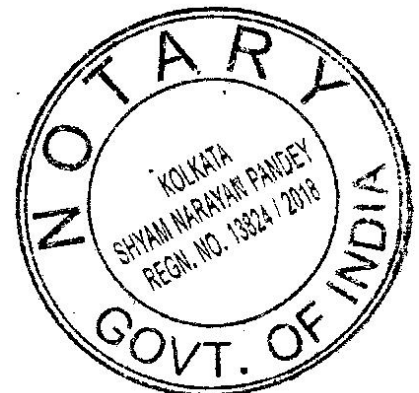
It appears from the field enquiry that 'Biswanath Bani Mill' prop. Sri Dipak Kr. Das is situated over plot no. 164. At present, this land is recorded in favour of irrigation and Water Ways Dept. A photocopy of an enquiry report is enclosed herewith.

This is send to his end for information and taking necessary action.

- Encl. : 1. Enquiry report.
2. Certified copy of R-O-R of plot no. 164.
3. Hand. map & copy.

Yours faithfully

4.6.15
Block Land & Land Reforms Officer
Panskura-I
B.L & L.R.O. Panskura-I



LEGIBLE COPIES

129 -

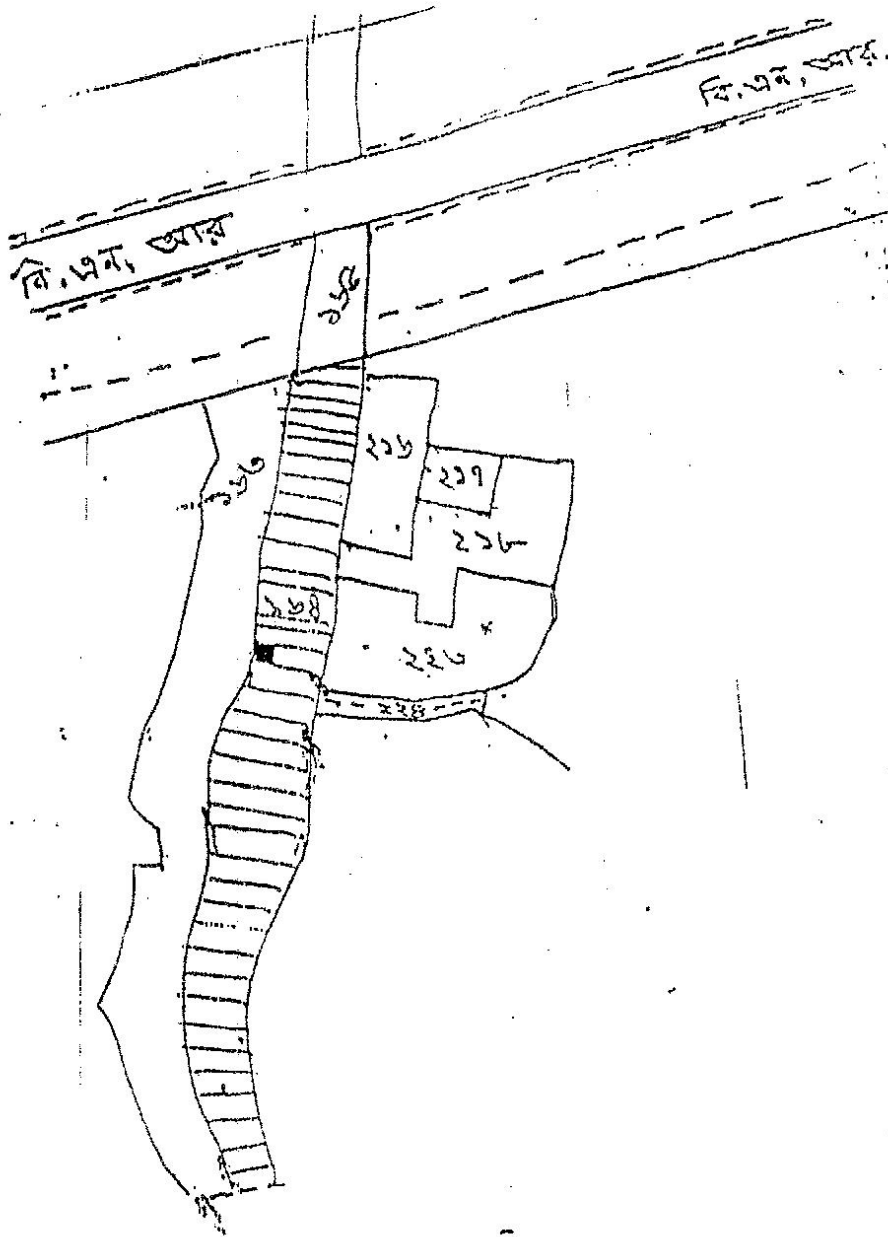
Mouza - Meghadangar
J.L. No. 92
P. S. Panskura
Dist. Purba Medinipur.

Hand Sketch without

BANGLA TO ENGLISH TRANSLATION

NORTH

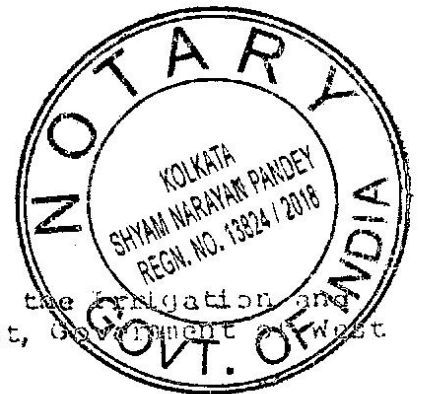
SOUTH



- At present Biswanath Dani Mill situated at Plot No. 164.

Details of Plot
 163 Nayanjuli
 164 River Bandh
 165 River Bandh

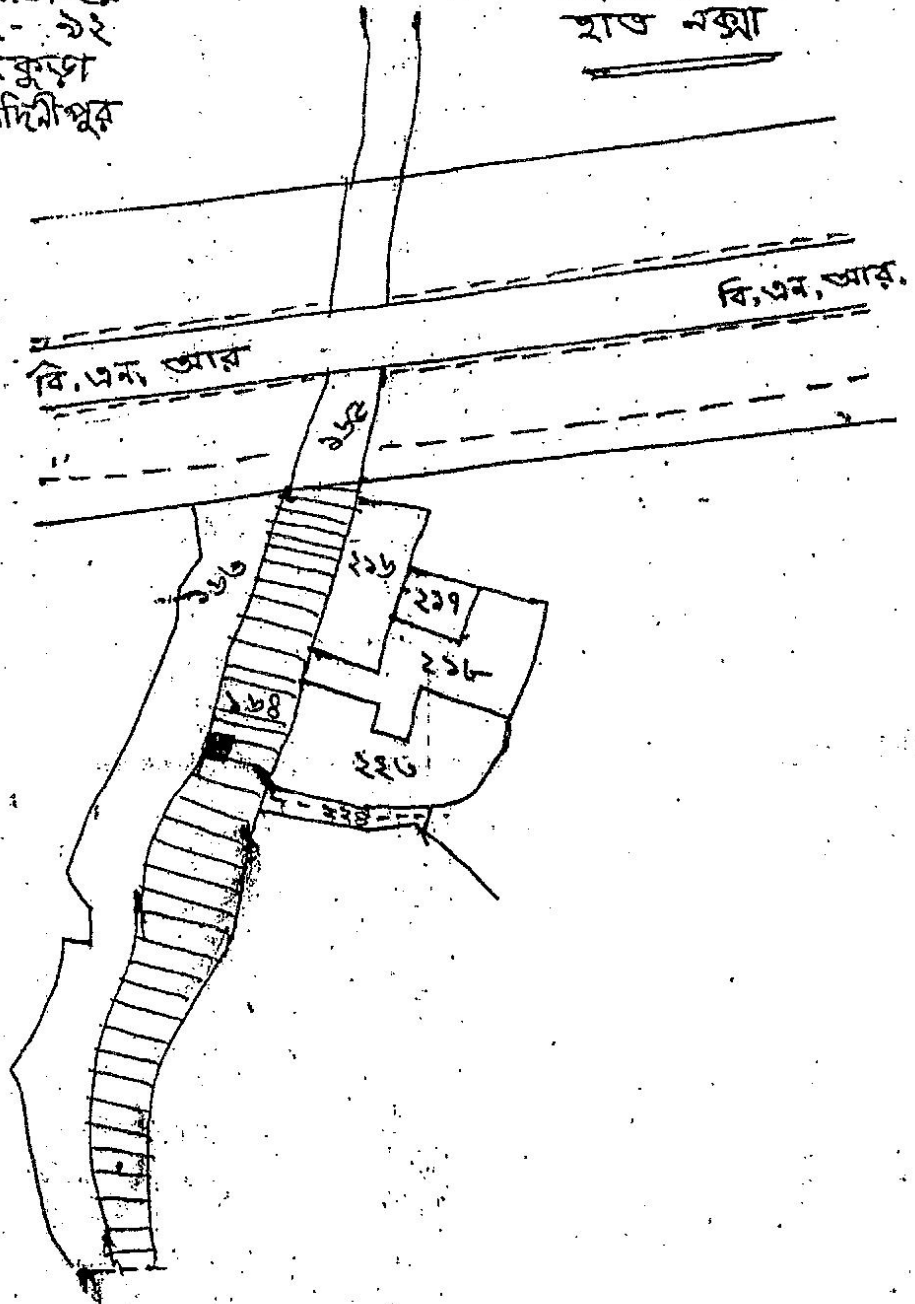
At present Owner of the Irrigation and Waterways Department, Government of West Bengal.



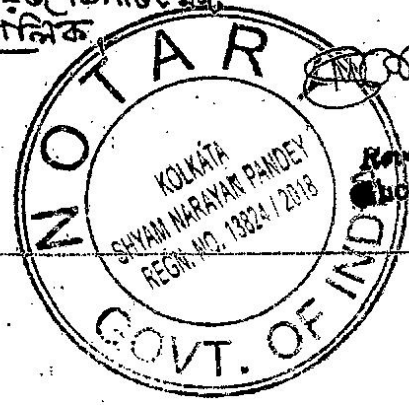
Sd/-
 Revenue Inspector
 Ghoshpur Gram Panchayet No. 6
 Block Panskura-1.

মোজা- মোহাডাওঁড়া
 প্লে. সিম. নং- ১২
 থানা- পানসকুড়া
 জেলা- পূর্ব মেদিনীপুর

স্বকল বিহীন
 হাও নক্সা



বর্তমানে বিশ্বনাথ বানী মিন আবস্থিত
 (যেহা ১৬৪ দাগের উপর আবস্থিত)
 ১৬৬ দাগ-এন জলি } পিঠের বর্ধনকর্ম
 ১৬৪ দাগ-নদী বাঁধে } পরিপোশন মণ্ড
 ১৬৫ দাগ-নদী বাঁধে } ওয়াটার ওয়েজ টিপার্টমেন্ট
 বর্তমান মালিক



২৫/০৭/২০১০
 Revenue Department
 Chhota Nagpur
 Panakura-1

- 131 -

All communication to State Board should be addressed with Number, Date and Subject



WEST BENGAL POLLUTION CONTROL BOARD
Parthesh Bhawan, 10A, Block - LA, Sector III,
Salt Lake City, Kolkata - 700 098,
Ph.: (033)2335-9088/3913, Fax : (033)2335-8073
Website: www.wbpcb.gov.in

PUBLIC GRIEVANCE CELL

Complainant(s)	Respondent(s)
Raghunath Maity	Biswanath Bani Mill
Date :19-01-2015	Time :14-00 Hrs.

RECORD OF PROCEEDINGS

Ld. Advocate Sukumar Ghosh appears on behalf of the complainant. Nobody appears on behalf of the respondent party.

Ld. Advocate has drawn our attention to the order of the State Board (earlier passed on 22-05-2009) and also order of the Hon'ble High Court, Calcutta, passed on 04-09-2014.

The State Board is pursuing this matter for a considerable period of time. Order of the State Board and Hon'ble High Court are quite clear and there are no ambiguity attached thereto.

In view of the above facts and circumstances, Ld. Advocate is at liberty to approach the appropriate authority to get redressal of the environmental problems arising out from alleged husking mill (M/s. Biswanath Bani Mill).

In view of aforesaid position, the State Board has no other option to act on this matter further.

Sd/-
(Dr. D. Chakraborty)
Sr. Scientist, P.G. Cell.

Sd/-
(A.K. Bhunia, WBHJS)
Dist. Judge (Retd.)

Subsequently, at about 3-00 P.M., the unit appears and submitted that they are now in the process of doing wheat grinding and spice grinding activity. However, unit is directed to obtain 'Consent to Operate' of the State Board immediately.

Finally, the above proceedings read over and explained to them.

Sd/-
(Dr. D. Chakraborty)
Sr. Scientist, P.G. Cell.

Sd/-
(A.K. Bhunia, WBHJS)
Dist. Judge (Retd.)



No. 1835(1) -5L/WPB-2005/M-13/00522

Dated : 27-01-2015.

Copy forwarded to :-

1. M/s. Biswanath Bani Mill –Prop. Dipak Kumar Das, Vill. + P.O. Moghadangar, P.S. Panskura, Dist: Purba Medinipur-721152.
 2. Sri Raghunath Maity, S/o. Lt. Bibhuti Bhusan Maity, Vill. + P.O. Moghadangar, P.S. Panskura, Dist: Purba Medinipur-721152.
 3. The General Manager, District Industries Centre, Purba Medinipur.
 4. The Sr. Environmental Engineer, Camac Street Circle Office, WBPCB.
 5. The Environmental Engineer, Haldia Regional Office, WBPCB.
- (Sl. Nos. 4 & 5 are requested to mail the follow up action within fortnight positively to debasarkar@wbpcb.gov.in with a copy to chairman@wbpcb.gov.in).

[Signature] 27.01.2015
Sr. Environmental Engineer, P.G. Cell,
W. B. Pollution Control Board.

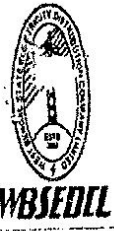
Visiting time to meet the Officers of the Public Grievance Cell of the West Bengal Pollution Control Board at 'Paribesh Bhawan', Salt Lake, Kolkata-700098.

- Every working day – Public Grievance Cell, 'Paribesh Bhawan', 4th Floor, From 15.00 Hrs., to 17.00 Hrs.
- At the time of submitting a complaint, the name, address and telephone no., (if any) of the person or organization against whom the complaint is filed, should be given.



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ANNEXURE - A-23



WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LTD

(A Government of West Bengal Enterprise)
PURBA MEDINIPUR REGIONAL OFFICE
BIJLI BHABAN (3rd FLOOR)
DAHARPUR, TAMLUK, PURBA MEDINIPUR
☎ 03228-263256, 269156, FAX: 03228-263255
Email- rmpmro@gmail.com

Memo.No. ROPM/E-27A (TDD)/

dt.

To
The Divisional Manager,
Tamluk Division, WBSEDCL,
Tamluk, Purba Medinipur.

Sub: Immediate steps to be taken for compliance of the Court Order dt. 04.09.14 under FMA-1438 of 2014, arisen out of Court Order dt. 26.11.09 under W.P.No.10855(W) of 2009 of the Hon'ble High Court, Calcutta, regarding disconnection of an Ind. Connection, Biswanath Bani Mill, Prop.-Dipak Kr. Das bearing Con.No.18000312 & S/C No. SER/I/28055 under Pratappur CCC.

Dear Sir,

Please recall our earlier letter vide memo.no. ROPM/E-27A(TDD)/1583 dt. 09.10.14 regarding compliance of the Court Order dt.04.09.14 under FMA-1438 of 2014, arisen out of Court Order dt. 26.11.09 under W.P.No.10855(W) of 2009 of the Hon'ble High Court, Calcutta in the matter of Raghunath Maity-Vs-Dipak Kr. Das & Ors. (enclosed). Besides this, the documentary evidences as received by this office are furnished hereunder to facilitate to comply the aforesaid Court Order from the end of the Licensee.

1) It is learnt from the letter of the A.E. & Station Manager, Pratappur CCC under Memo.No. PTP/E-11/299 dt. 13.06.15 that the B.L. & L.R.O., Panskura-I has submitted their field enquiry report on 04.06.15 where it was clearly mentioned that:

"It appears from the field enquiry that "Biswanath Bani Mill", prop. Sri Dipak Kr. Das is situated over Plot No.164. At present this land is recorded in favour of Irrigation and Water Ways Deptt." (enclosed).

2) It also appears that Consent to Establish (NOC) from the environmental point was obtained from W.B.Pollution Control Board against the Plot No.165, J.L.No.92, Mouza-Meghadangar, not for the Plot No.164 of the said Mouza.(enclosed).

3) Land details with demarcation in the hand sketch prepared by the Revenue Inspector, Ghoshpur G.P., Panskura-I also proves that the Biswanath Bani Mill is situated over the land of Plot No.164, J.L.No.92, Mouza-Meghadangar, the ownership of which is " W.B.Irrigation & Waterways Deptt." (enclosed).

4) The reply against query under RTI Act,2005, the Revenue Officer, Canal Revenue Division, Midnapore in his memo.no. 675E dtd. 19.11.2014 stated that:

Q-1: There is no permission/lease on the concerned plot at any time.
Q-2: The Division has no information about a Mill in the name and style as "Biswanath Bani Mill". (enclosed).

5) The reply against query under RTI Act,2005, the Pradhan, Ghoshpur G.P. stated that Plot No. of Biswanath Bani Mill, Proprietor-Dipak Kumar Das, Vill.+ P.O.-Meghadangar, P.S.-Panskura, Dist-Purba Medinipur is 164, J.L.No.92.(enclosed).

Under the circumstances cited above, you are requested to look into the matter seriously so that the above Court Order is complied without any further delay from the end of the Licensee as the District Magistrate, Purba Medinipur also seeks information about this matter vide Complaint Ref.No.2840 dt. 09.06.15. An action taken report should invariably be submitted to this office within 15th July,2015 for onward transmission of the same to the appropriate authority.

This may be treated as MOST URGENT.

Encl: 07 (seven) sets.

Yours faithfully,
Sd/-

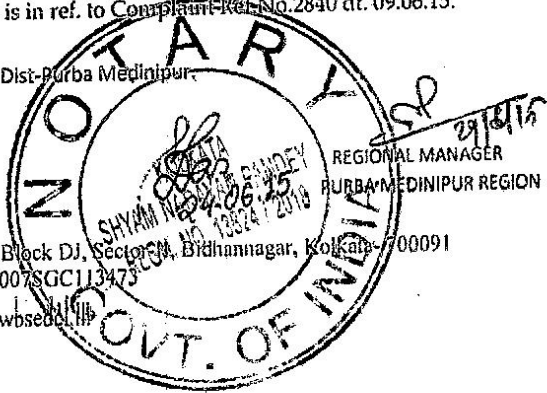
(SRINIBASA ROUT)
REGIONAL MANAGER
PURBA MEDINIPUR REGION

Memo.No. ROPM/E-27A (TDD)/
Copy forwarded to :-

80871-111

dt. 29.06.15

1. The District Magistrate, Purba Medinipur, Tamluk.. This is in ref. to Complaint Ref.No.2840 dt.09.06.15.
2. The A.E.& Station Manager, Pratappur CCC, WBSEDCL.
3. Sri Raghunath Maity, Vill.+ P.O.-Meghadangar, P.S.-Panskura, Dist-Purba Medinipur.



Address of the Registered Office: Vidyut Bhavan, Block DJ, Sector III, Bidhannagar, Kolkata-700091
CIN- U40109WB2007SGC113475
Website: www.wbsecl.in

o/c

-134-

ANNEXURE - A-24.



West Bengal State Electricity Distribution Company Limited

(A Govt. of West Bengal Enterprise)

OFFICE OF THE STATION MANAGER
PRATAPPUR CUSTOMER CARE CENTRE

Memo No : PTP/legal/

Dated :

To
The Officer In Charge
Panskura Police Station
Panskura, Purba Medinipur

Sub: Disconnection of service line i.r.o Dipak Kr. Das at Meghadangar under Pratappur C.C.C.

Dear Sir,

In persuasion of the order of the hon'ble High Court i.r.o Case no. F.M.A 1438 of 2014 the service line of the industrial premises of Sri Dipak Kr. Das bearing installation no. 9216994 was disconnected on 13.01.2016 in presence of the police personnel of Panskura P.S & the undersigned with Niladri Chakraborty, S.A.E(F), Nimal Kr. Dogra, Hr.Gr.Sr.L.M., Dubraj Gorai, Hr.Gr.Sr.L.M of Pratappur C.C.C at 12.50p.m.

This is for your information please.

S.A/-
A.E & Station Manager
Pratappur Customer Care Centre

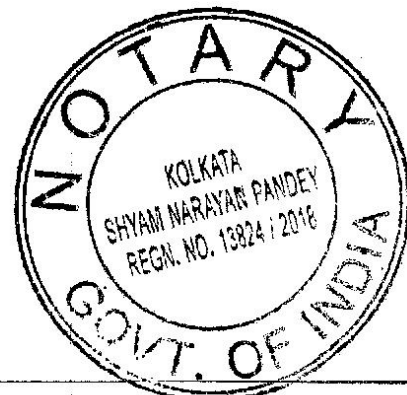
Memo No : PTP/legal/ 1349 (1)

Dated : 13. 01. 16.

Copy to:

1. The A.G.M, Corporate Legal Cell, Bidyut Bhavan.
2. R.M. PMRO, Bijli Bhavan 3rd floor.
3. D.M. Tamluk(D)Divn., Bijli Bhavan 2nd floor.

S/-
13/01/16.
A.E & Station Manager
Pratappur Customer Care Centre



-135-

ANNEXURE - A-25

118 26.04.201
BD 6.

W.P. 7648 (W) of 2015

+

C.A.N. 4782 of 2015

Dipak Kumar Das

Vs

The WBSEDC Ltd. & Others

**Mr. Golam Mostafa,
Mr. Tarasankar Samanta.
... For Petitioner**

**Mr. R. M. Chatterjee.
... WBSEDC**

**Mr. Sukumar Ghosh,
Ms. Moumita Ghosh.
... For Applicant**

Let the affidavit-of-service as well as supplementary affidavit filed by the petitioner in Court today be kept with the record.

Re: CAN 4782 of 2016 (Addition of Party).

This is an application for addition of party to the writ petition. The only ground on which the petitioner seeks addition to the writ petition is that he is the owner of an adjacent plot of land and because of the husking mill being run by the petitioner there has been pollution of the locality. He submits that in the earlier round of litigation the petitioner had added him as a party to the writ petition.

None of the grounds mentioned by the learned advocate for the applicant appears to be convincing. Since in the earlier round of litigation he was added as



a party is no ground he should continue to be added. If the applicant has any objection to the petitioner's continuing with the husking mill on grounds of pollution he can always seek remedy from the appropriate authority.

I have no jurisdiction to decide the issue of pollution while considering the propriety or impropriety of the action taken by the licensee company. The application being CAN 4782 of 2015 is dismissed on merit.

Re: W. P. 7648 (W) of 2015.

In course of hearing I have been informed that when the writ petition was filed there was no disconnection of electricity. The electric supply to the premises of the petitioner has been disconnected on January 13, 2016. Considering the subsequent event taking place during the pendency of the writ petition, the prayer for mandatory interim order is taken up for consideration at this stage.

Only justification on behalf of the licensee is an observation made in an earlier round of litigation by the learned Single Judge that in case the petitioner was found to be occupying any Government land the electric connection should not be restored in terms of that order.

Mr. Chatterjee, learned advocate appearing on behalf of the licensee company has produced a copy of the letter dated June 4, 2015 written by the concerned



Block Land and Land Reforms Officer, Panskura intimating the addressee that the land in question recorded in favour of the Irrigation and Waterways Department. It is not understood what prompted the licensee to take a drastic action about seven months after they had received this communication from the Block Land and Land Reforms Officer. Apparently, there was no sudden or grave urgency compelling them to disconnect the electric connection without giving the petitioner any opportunity of being heard.

When the Court had directed that in case it appeared to the authorities that they had encroached upon any Government land it would be open for the licensee to disconnect the line obviously, such right could not be exercised by the licensee unilaterally on the basis of a report obtained from a Government official. This is only interpretation that should have been placed on the orders of the Court so that the respondents were entitled to take appropriate steps upon compliance of the requirements of law.

Mr. Chatterjee, learned advocate for the licensee company has submitted that the petitioner has not been given any opportunity to rebut the truth of the statement contained in the relevant law. It was not proper on the part of the licensee to have acted on the basis of a document behind the back of the petitioner. In fitness of things a proper interpretation of earlier order of this Court it was only expected that the petitioner could be given a hearing before a very important right of his, i.e. the right to get electricity is



taken away from him.

In such view of it with the consent of the parties, I dispose of the writ petition by directing the Station Manager, i.e. the respondent no.4 to take a decision in the matter after giving the petitioner an opportunity of being heard. The documents on which the licensee wants to rely on should be formally proved after giving a copy of the same to the petitioner. The petitioner shall have the right of cross-examining any witness whom the licensee may like to produce.

The entire exercise is to be made within a period of twelve weeks from the date of communication of the order. The respondent no. 4 is at liberty to give hearing to any other person or persons to do so as he may think it necessary for the resolution of the dispute but not the applicant for addition of party whose application has been rejected. The respondent no. 4 shall dispose of the matter by a reasoned order and shall communicate the same to the petitioner within a week after the order is passed.

Since I hold that the disconnection of the electric line to the premises of the petitioner has been in violation of the principles of natural justice, I direct the respondent no. 4 to restore the electric connection to the petitioner within a period of seven days upon compliance of all formalities and upon payment of charges.

Since no affidavit has been called for, allegations made in the writ petition are deemed to have been admitted by the respondents.



There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on priority basis.

(Dr. Sambuddha Chakrabarti, J.)



27 01.7.16
akb

W.P. 8300 (W) of 2016
Raghunath Maity & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. Rabi Shankar Chattopadhyay
Mr. Sandip Ghosh ...For the petitioners

Mr. Bhaskar Mitra
Mr. Rammohan Chattopadhyay ...For Respondent
WSEDC

Mr. Jaharlal De
Mr. Murari Mohan Chakraborty ...For the State

Mr. N.C. Behani
Ms. Anuradha Sengupta ...For the Respondent
Pollution Control Board

The respondent Pollution Control Board is directed to inspect the locality where the alleged Bani Mill is being run, since there is a complaint that more than 10 (ten) such Mills are in existence, which are being run without proper licence and consent from the statutory authorities.

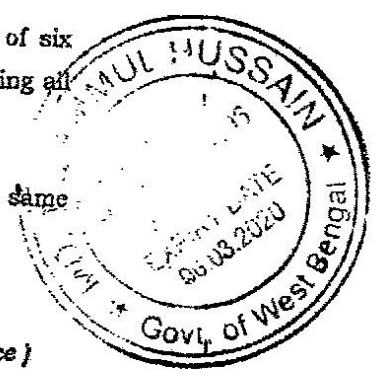
The Pollution Control Board shall enquire into the issue and place a report on record giving all the details whether the Mills are run in accordance with the procedure contemplated including the consent to establish and consent to operate in their favour.

The said exercise shall be done within a period of six weeks from today and a report be placed before this Court giving all the details on the next date of hearing.

List the writ petition after six weeks under the same heading.

(Manjula Chellur, Chief Justice)

(Arijit Banerjee, J.)



Attested by
Shyam Narayan Pandey
Notary

INSPECTION REPORT

Ref. : Order of Hon'ble High Court Calcutta dated 01.07.2016 in the matter of
W.P. 8300(W) of 2016 , Raghunath Maity & Ors. -Vs- The State of West Bengal &
Ors.

In compliance of Order of Hon'ble High Court Calcutta dated 01.07.2016 in the matter of
W.P. 8300(W) of 2016 , Raghunath Maity & Ors. -Vs- The State of West Bengal & Ors. the
undersigned officials of the State Board visited the area under Ghoshpur Gram Panchayet ,
Panskura , Dist. Purba Medinipur on 10.08.2016 for the purpose of enquiry about the other
such Bani Mills (Husking Mill) illegally operating in the said area , as alleged.

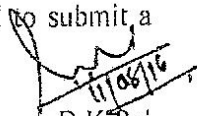
During visit of the said area the existence of following Bani Mills (Husking Mill) could
hardly be identified, and found not in operational condition. All these tiny units are situated
in remote villages and providing services to the local people for paddy husking , wheat
grinding etc. On local enquiry it was gathered there may be few such type of tiny units are
in existence under Ghoshpur Gram Panchayet in a sporadic manner , but could not provide
their detailed information as well as addrees , so that the information of these units could be
collected by the undersigned inspecting officials of the State Board during inspection.

Considering the activities of such tiny units , engaged and providing services to the local
people for paddy husking , wheat grinding etc. it may be concluded that due to operation of
these unit in a sporadic manner there may not be significant impact of environmental
pollution on surrounding areas.

Detail of the units visited located under Ghoshpur Gram panchyet :

1. Bani Mill , run by Smt. Bharati Samanta , Mouza & Vill. - Serati ,
P.O. & P.S. Panskura , Dist. Purba Medinipur , could not produce any NOC &
Consent to Operate certificate of the State Board during inspection.
2. Bani Mill , run by Sri Narayan Chandra Gatait & Ananda Chandra Gatait , Mouza
& Vill. Serati , P.O. & P.S. Panskura , Dist. Purba Medinipur , could not produce
any NOC & Consent to Operate certificate of the State Board during inspection.
3. M/s. Biswanath Bani Mill , Prop. Sri Dilip Das, Mouza , Vill & P.O. . -
Meghadangar, P.S. Panskura , Dist. Purba Medinipur, could not produce any NOC
& Consent to Operate certificate of the State Board during inspection. The Prop. of
this unit is a party of this W.P. 8300(W) of 2016 .
4. M/s. Manasi Bani Mill . Prop. Smt. Manasi Maity , Mouza , Vill & P.O. . -
Meghadangar, P.S. Panskura , Dist. Purba Medinipur, having valid NOC & Consent
to Operate certificate of the State Board & Trad Licence. This unit is also a party of
this W.P. 8300(W) of 2016 .

Under the circumstances the local Ghoshpur Gram Panchayet may be directed to submit a
comprehensive list of such units operating under their jurisdiction.


B.K. Pal

Environmental Engineer

Environmental Engineer
West Bengal Pollution Control Board,
Haldia, Regional Office



*Through:-
Sandeep Ghosh
Advocate*

DISTRICT: PURBA MEDINIPUR

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P. NO. 8300 (W) OF 2016;

In the matter of:

A Public Interest Litigation;

And

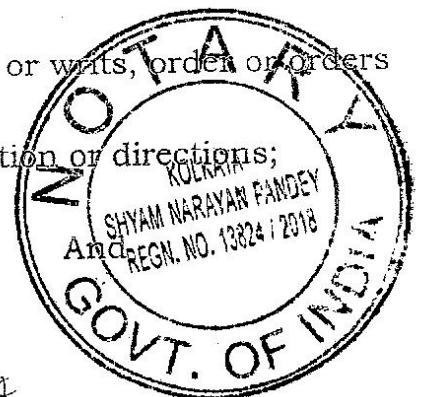
In the matter of :

An Application under Article 226 of
the Constitution of India;

And

In the matter of:

A writ or writs in the nature of
mandamus and/or certiorari and/or
prohibition and/or any other
suitable writ or writs, order or orders
and/or direction or directions;



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12/05/17

In the matter of:

Illegal and un-authorized set up and running of Hasking Bani Mill over the embankment of the river and causing damage of the embankment and also causing environment hazards and pollution of air of the locality;

And

In the matter of:

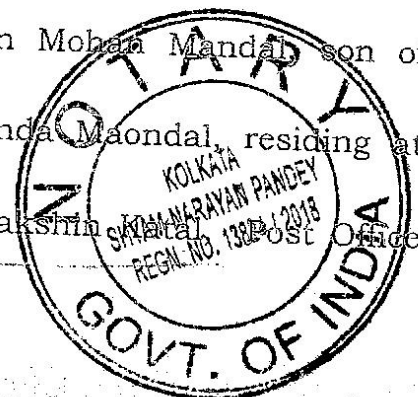
1. Raghunath Maity, son of Late Bibhuti Bhusan Maity, residing at Village and Post Office- Meghadangar, Police Station- Panskura, District- Purba Medinipur, Pin-721152.

2. Paritosh Das, son of Late Nandalal Das, residing at Village and Post Office- Meghadangar, Police Station- Panskura, District- Purba Medinipur, Pin-721152.



12/05/17

3. Surajit Samanta, son of Shyamapada Samanta, residing at Village- Serhati, Post Office and Police Station- Panskura, District- Purba Medinipur, Pin-721139.
4. Manoranjan Sasmal, son of Late Sachindranath Sasmal, residing at Village- Bakhrabaj, Post Office- Meghadangar, Police Station- Panskura, District- Purba Medinipur, Pin-721152.
5. Sasanka Maity, son of Late Sakti Pada Maity, residing at Village- Saraighat, Post Office- Bijayramchak, Police Station- Panskura, District- Purba Medinipur, Pin-
6. Madan Mohan Mandal son of Late Gobinda Maondal, residing at Village- Dakshin Sakhatal, Post Office



12/10/18

and Police Station- Panskura,
District- Purba Medinipur, Pin-
721129.

7. Narayan Chandra Das, son of
Late Surendranath Das, residing at
Village-Bakhrabaj, Post Office-
Meghadangar, Police Station-
Panskura, District- Purba
Medinipur, Pin-721152.

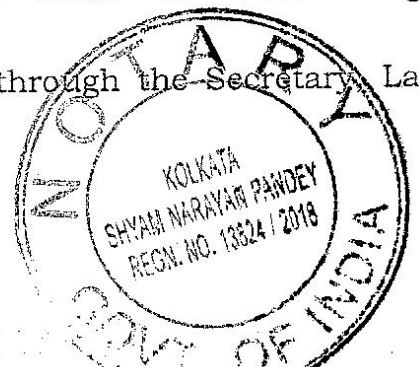
8. Susanta Manna, son of Late
Srinibas Manna, residing at Village-
Saraighat, Post Office-
Bijayramchak, Police Station-
Panskura, District- Purba
Medinipur, Pin-721152.

... Writ Petitioners

Versus

1. The State of West Bengal,
service through the Secretary, Land

9
12/05/17

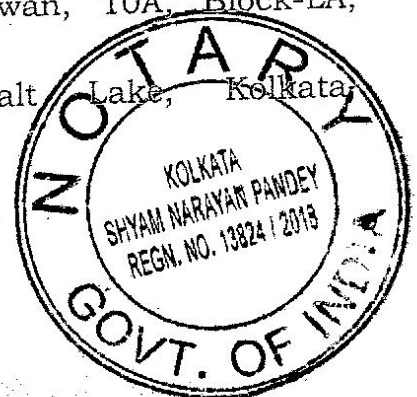


and Land Reforms Department of
Writers Buildings, Kolkata-700 001.

2. The Block Land & Land Reforms
Officer, Panskura-I, Block, Post
Office and Police Station- Panskura,
District: Purba Midnapore, Pin-
721139.

1/2: 3. The Member Secretary, West
Bengal Pollution Control Board,
Paribesh Bhawan, 10A, Block-LA,
Sector-III, Salt Lake City, Kolkata-
700098.

4. The Chief Law Officer,
Department of Environment and
West Bengal Pollution Control Board,
Paribesh Bhawan, 10A, Block-LA,
Sector-III, Salt Lake, Kolkata,
700098.



12/05/17

5. The General Manager, District Industries Centre at Post Office-Shalgachia, Police Station-Tamluk, District- Purba Medinipur, Pin-721636.
6. The Divisional Manager, Tamluk Division, WBSEDCL, Post Office-Tamluk, District- Purba Midnapur, Pin-721636.
7. The A.E. & Station Manager, Pratappur Customer Care Center, WBSEDCL, Post Office-Panskura R/S, Police Station- Panskura, District- Purba Medinipur, Pin-721152.
8. Dipak Kumar Das, son of Kishori Mohan Das, residing at Village and Post Office- Meghadangar, Police Station-



[Handwritten signature]

Panskura, District- Purba
Medinipur, Pin-721152.

9. The Officer-in-Charge, Panskura
Police Station, Post Office-
Panskura, District- Purba
Medinipur, Pin-721139.

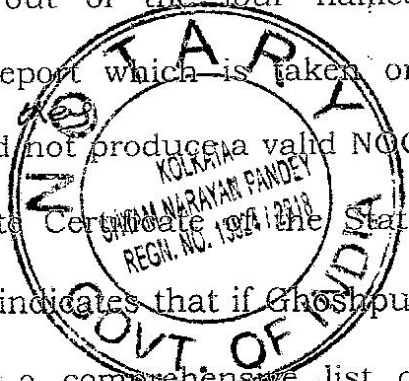
... Respondents

To

12/05/18



Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>07.04.2017 Item No.4 ad W.P 8300(W) of 2016 Raghunath Maity & Ors. Vs. The State of West Bengal & Ors.</p> <p>Mr. Amal Baran Chatterjee, Mr. Sandip Ghosh For the petitioners</p> <p>Mr. Jaharlal De, Mr. Abdus Salam For the State</p> <p>Mr. N.C Bihani For the P.C.B</p> <p>Mr. B. Mitra, Mr. Ram Mohan Chattopadhyay For the WBSEDCL</p> <p>The grievance of the petitioners who are residing in the villages Meghadangar Serhati, Bakhrabaj, Saraighat and Dakshin Katal claim that husking mills in the area are being run without any licence and thus creating environmental pollution.</p> <p>An inspection report of the Environmental Engineer, West Bengal Pollution Control Board, Haldia Regional Office, has been submitted before us in which he has named four husking mills run by proprietors. Three out of the four named husking mills in his report which is taken on record, are running ^{but they} could not produce a valid NOC or a Consent to Operate Certificate from the State Board. The report also indicates that if Ghoshpur Gram Panchayat gives a comprehensive list of</p>



Office No.	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>units operating in the area, the Pollution Control Board would undertake an inspection and take action in accordance with law.</p> <p>Mr. Bihani, the learned counsel appearing for the Pollution Control Board makes a statement that the Pollution Control Board would take all steps as necessary, in accordance with law and if it is found that any of the husking mills in the area are violating the norms, action will be taken against them. He further states that not only units mentioned in the inspection report dated 11th August, 2016 taken on record but also any other unit which may be named by Ghoshpur Gram Panchayat will be considered if it is a polluting unit.</p> <p>The statement of Mr. Bihani is accepted.</p> <p>The writ petition is disposed of accordingly.</p> <p><i>SD: Nishita Mhatre, A.C.J.</i> (Nishita Mhatre, A.C.J.) <i>SD: Tapabrata Chakraborty, J.</i> (Tapabrata Chakraborty, J.)</p>

12/05/17





(Department of Environment, Government of West Bengal)

Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar, Kolkata - 700098

(Near: Bellaghata & E.M. By-PASS Crossing)

Ph: (033)2335-8212, Fax: (033)2335-5272

Internet: www.wbpcb.gov.in, Email: wbpcbnet@cal3.vsnl.net.in

Memo No: 0355 5L/WPB/2005/M-13/00522

Dated: 26/04/2017

To,

Biswanath Bani Mill, Prop. Dipak Kumar Das

Village/Town- Moghadangar, PO- Moghadangar, PS- Panskura,
Dist.-Medinipore(E) PIN: 721152

Sub. : Complaint related to environmental pollution

Take notice that a complaint has been lodged against you/your unit/ Establishment for causing environmental problem.

Therefore, you are hereby informed to appear before the hearing Officer of the State Board on 11/05/2017 at 15:20 Hours at Paribesh Bhawan, 4th Floor, Bldg. 10A, Block-LA, Sector-III, Bidhannagar, Kolkata-700 098, along with all statutory licenses, including Consent of the State Board, if any and status of Pollution Control system.

In case of non appearance, the State Board will issue necessary regulatory order and take legal step against your unit/ Establishment considering the records kept and maintained by the State Board, without any further reference.

Yours faithfully,

sdt

Environmental Engineer,
Public Grievance Cell

Memo No: 0355 5L/WPB/2005/M-13/00522

Dated: 26/04/2017

Copy Forwarded to:

✓ Raghunath Maity, S/o. Lt. Bibhuti Bhusan Maity

Village/Town: Moghadangar, PO- Moghadangar, PS- Panskura, Dist.:
Medinipore(E) PIN: 721152

(He/She/They is/are requested to remain present in the hearing on the date and time mentioned above or send some authorized representative for that purpose)

Amishya
26/04/2017

Environmental Engineer,
Public Grievance Cell

Visiting time to meet the officers of the Public Grievance Cell of the West Bengal Pollution Control Board at 'Paribesh Bhawan', Bidhannagar, Kolkata-700098



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ANNEXURE - A-30

All communication to State Board should be addressed with Number, Date and Subject



WEST BENGAL POLLUTION CONTROL BOARD

Paribesh Bhawan, 10A, Block - LA, Sector III,

Salt Lake City, Kolkata - 700 098,

Ph.: (033)2335-8212/3913, Fax : (033)2335-8073

Website: www.wbpcb.gov.in

PUBLIC GRIEVANCE CELL

Complainant(s)	Respondent(s)
Raghunath Maity	Biswanath Bani Mill - Prop. Dipak Kr. Das
Date : 11-05-2017	Time : 15-20 Hrs.

RECORD OF PROCEEDINGS.

W.P. 8300 (W) of 2016.

The record is taken up for passing order.

This is a complaint against a husking mill/spice grinding unit allegedly causing environmental pollution.

State Board is pursuing the case for a considerable period of time and several hearings were conducted in connection with the matter. The last hearing was conducted on 11-05-2017, when both sides made their verbal submission before the State Board. After hearing them for adjudication of the matter State Board directed both the parties to submit their written submission. Accordingly the parties submitted their submission on 15-05-2017 (unit) and on 17-05-2017 (complainant).

Perused and considered the written submission made by both the parties.

On a careful perusal of the same it transpires that besides giving the annexures related to various orders passed by different courts from time to time no new things could be introduced by either of the parties. In addition to the verbal arguments made on their behalf during hearing on 11-05-2017.

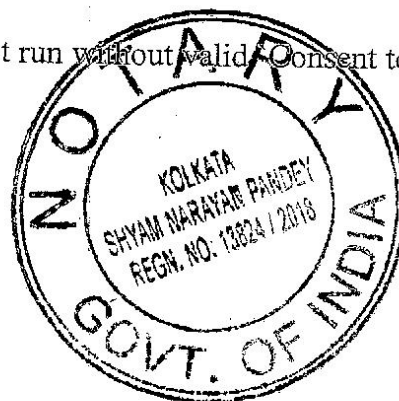
The unit is always mentioning the Dag No. 164 & 165 and 'Consent to Establish' is obtained in respect of Dag No. 165.

It appear from the record that the plot no. 164 & 165 belong to Irrigation Department, Government of West Bengal and recorded as 'Nadi Bandh' and the same record is dated 04-06-2015.

State Board conducted last inspection on 11-09-2016 and the same is hereby considered. It reveals from the said report that due to operation of the unit there may not be significant impact of environmental pollution on surrounding area.

The activity of the unit comes under 'Green category' and the unit is operating without valid 'Consent to Operate' of the State Board.

In view of above, we are of the view that the unit must not run without valid 'Consent to Operate' of the State Board.



The Officer in Charge, Panskura Police Station is requested to oversee the compliance of the order passed by the State Board to-day.

Sd/-
(D. Chattopadhyay)
Asst. Environmental Engineer, P.G. Cell

Sd/-
(B. Baidya)
Environmental Engineer, P.G. Cell.

Sd/-
(A.K. Bhunia, WBHJS)
Dist. Judge (Retd.)

No. 532(2)-5L/WPB-2005/M-13/00522

Dated : -05-2017.
9/6

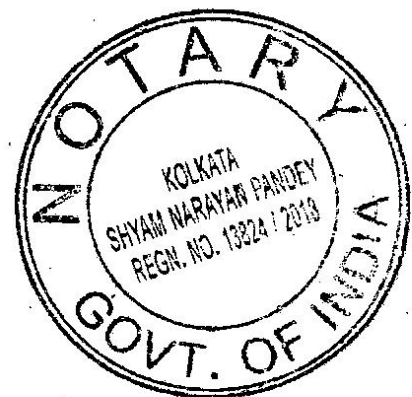
Copy forwarded to :-

1. M/s. Biswanath Bani Mill - Prop. Dipak Kr. Das, P.O. Meghadangar, P.S. Panskura, Dist: East Medinipur-721152.
 2. Sri Raghunath Maity, S/o. Lt. Bibhuti Bhusan Maity, P.O. Meghadangar, P.S. Panskura, Dist: East Medinipur-721152.
 3. The Officer in Charge, Panskura Police Station, Panskura, Dist: East Medinipur.
 4. The Joint Director, Directorate of Micro, Small & Medium Enterprises, New Secretariat Buildings, 9th. Floor, A-Block, 1, Kiran Shankar Roy Road, Kolkata-700001. He is requested to circulate this Memo. through his good office to the concerned General Manager of the District Industries Centre, for taking necessary action, if any.
 5. The Senior Environmental Engineer, Camac Street Circle Office, WBPCB.
 6. The Environmental Engineer, Haldia Regional Office, WBPCB.
 7. Guard File.
- Sl. Nos. 5 & 6 are requested to follow up matter.

B. Baidya
09/05/2017
Environmental Engineer, P.G. Cell,
W. B. Pollution Control Board.

Visiting time to meet the Officers of the Public Grievance Cell of the West Bengal Pollution Control Board at 'Paribesh Bhawan', Salt Lake, Kolkata-700098.

- Every working day - Public Grievance Cell, 'Paribesh Bhawan', 4th. Floor, From 15.00 Hrs., to 17.00 Hrs.
- At the time of submitting a complaint, the name, address and telephone no., (if any) of the person or organization against whom the complaint is filed, should be given.



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ANNEXURE - A-31

Government of West Bengal
Office of the District Magistrate & Collector
Purba Medinipur :: Tamluk
(R.M. Section)

E-mail : rm.purb@gmail.com

Memo No. 779 /V/1(b)/171/17

Dated 27-6 /2017

To,
The Superintendent of Police,
Purba Medinipur, Tamluk,
Dist- Purba Medinipur,
Pin - 721 636.

Sub. : WP No.8300(W) of 2016 in the matter of
Raghunath Maity & Ors. Applicants
-vs-
The State of West Bengal & Ors..... Respondents.

Sir,

In enclosing herewith a copy of application received by this office on 15.06.2017 from Sri Raghunath Maity, of Vill & PO - Meghadanagar, PS - Panskura, Purba Medinipur, alongwith a copy of judgement dated 07.04.2017 passed by the Hon'ble High Court, Calcutta, which speaks for itself. In compliance of that order, the West Bengal Pollution Control Board, PG Cell, passed a reasoned order on 11.05.2017.

Now, you are requested for compliance of the order of the West Bengal Pollution Control Board immediately.

With thanks.

Yours faithfully,

Encl: As stated

27/06/17
For District Magistrate & Collector
Purba Medinipur
27/6/17

Memo No. 779/1(4) /V/1(b)/171/17

Dated 27-6 /2017

Copy forwarded for information and taking necessary action to :-

1. The Sub-Divisional Officer, Tamluk, Purba Medinipur, Pin - 721 636.
2. The General Manager, District Industries Centre, Purba Medinipur, Dharinda, Tamluk, Pin - 721 636.
3. The Officer-in-Charge, Panskura Police Station, Panskura, Purba Medinipur.
- ✓ 4. Sri Raghunath Maity, S/O - Late Bibhuri Bhusan Maity, Vill & PO - Meghadanagar, PS - Panskura, Dist - Purba Medinipur, Pin - 721 152, for information

27/06/17
For District Magistrate & Collector
Purba Medinipur
SHYAM NARAYAN MAITY
REGN. NO. 13324 / 2016
GOVT. OF INDIA

Item Nos. 12

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No.137/2017 (EZ)

Raghunath Maity

Applicant(s)

Versus

Deepak Kumar Das & Ors.

Respondent(s)

Date of hearing: 02.12.2019

**CORAM: HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Applicant(s): Mr. Kanak Kumar Chatterjee, Advocate

Respondent(s): Mr. Mausum Ali Sardar, Mr. G. Mostafa,
Advocate for R-1
Mr. Dipanjan Ghosh, Advocate for R-2
Mr. Bikas Kargupta, Advocate for R-3&5

ORDER

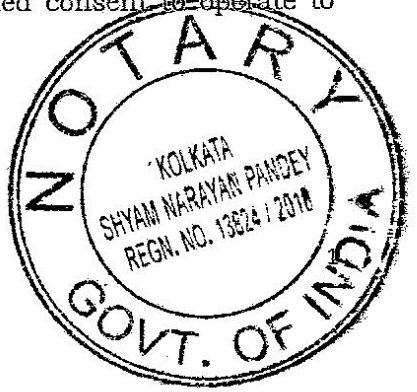
1. The issue involved in the case is the illegal operation of rice husking mill on Plot No. 165 on Mouja, Meghadangar. J.L. N. 92 which is stated to be a Government land, only on the strength of consent to establish granted in respect of Plot No. 165 when the mill is actually situated in Plot No. 164. As per the searching slip of the BL & LRO Panskura-1, Plot Nos. 164 and 165 belong to the irrigation and Waterways Department, Government of West Bengal. It is alleged that the consent to establish was obtained by the Respondent no. 1 by suppression of material facts. Cognate to his assertion is that the nature of the land in question is a river bandh. It is contended that the Respondent no. 1 has still not obtained consent to operate to run the mill.

- (i) Serial No. of the copy application... 92/2024/EZ
- (ii) Name of the applicant... Raghunath Maity
- (iii) Date of presentation of application... 16.12.2019
- (iv) No. of Pages... 37.51
- (v) Copying fee charged General/Ordinary... 151.1.201
- (vi) Date of Preparation of copy... 16/12/2019
- (vii) Date on which copy is ready... 16/12/2019
- (viii) Date given for collection of copy... 16/12/2019
- (ix) Date of Delivery 16/01/2020 For Registrar (NGT)

M.D. Raghunath Maity
Signature 16-01-2020

M.D. Raghunath Maity
Signature 16-01-2020

"Certified that this is a true and accurate copy of the document of order as in the case the (Application / Appeal No. 137/2017/EZ) And that all the matters appearing therein have been legibly and faithfully copied with no modification"



2. By order dated 19.04.2018, action was directed to be taken by the State Pollution Control Board against the mill in exercise of powers conferred upon it under the environmental laws more particularly the Air (Prevention And Control Of Pollution) Act, 1981 as the unit was found to be non-compliant.

3. When the matter was placed before us on 02.04.2019 after hiatus of almost a year, a status report was called for from the State Pollution Control Board to ascertain as to whether the rice mill was still in operation without necessary clearances. It was also directed to verify as to whether environmental compensation had been recovered from the rice mill. Report was accordingly filed on 19.09.2019 whereby it had been stated that closure order and order of disconnection of electricity had been issued against the unit from 09.04.2019 and compliance report dated 19.09.2019 had been received from the Superintendent of Police, Purba Medinipore confirming closure of the unit. It is stated that steps shall be taken for recovery of environmental compensation.

4. Report filed on 27.11.2019 by the State Pollution Control Board confirms that directions have been issued against the unit to pay environmental clearance of Rs. 70,500/- and appropriate application has been filed before the District Magistrate for recovery of the environmental compensation.

5. In view of the above nothing further would survive for consideration in the matter except to direct the State Pollution Control Board to ensure that the environmental compensation is recovered and the unit is not permitted to operate.

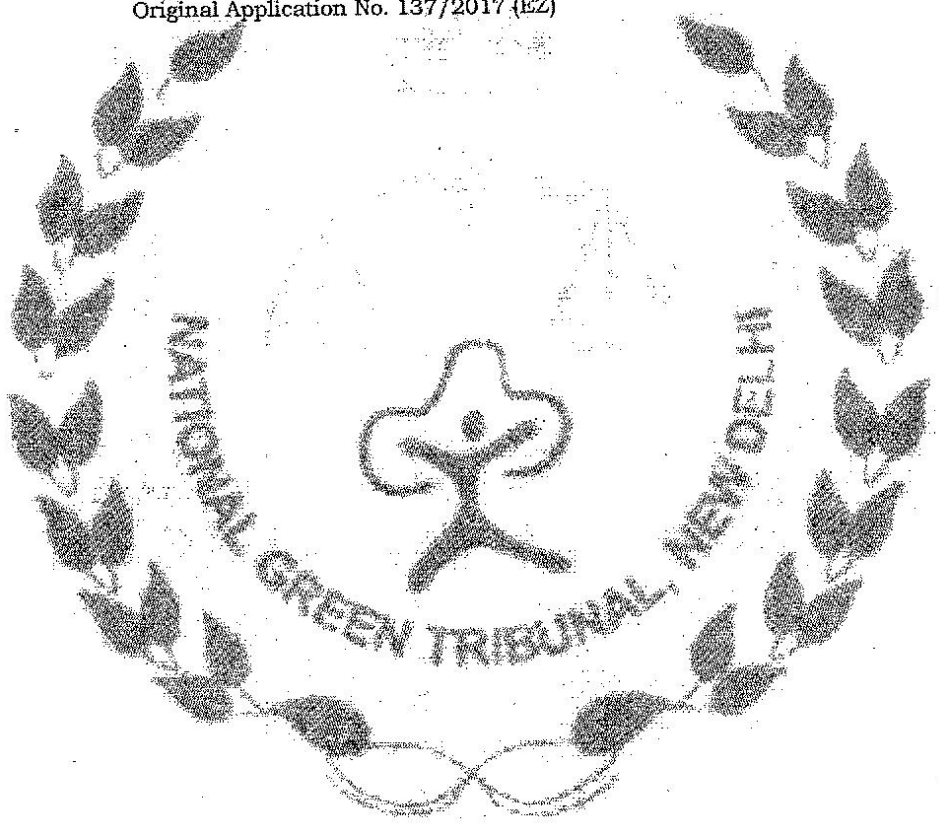


6. In view of above Original Application No.137/2017 (EZ) is disposed off with no order as to costs.

S.P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

02nd December, 2019
Original Application No. 137/2017 (EZ)



"Certified that this is a true and accurate copy of the document of order as in the case the (Application / Appeal No. 137/2017 (EZ) And that all the matters appearing therein have been legibly and faithfully copied with no modification"

For Registrar (NGT)

NK. Rishi Puri
Signature

16-01-2020



BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)

Original Application No. 137/2017 (EZ)

Raghunath Maity

Applicant(s)

Versus

Deepak Kumar Das & Ors.

Respondent(s)

Date of hearing: 02.04.2019

**CORAM : HON'BLE. MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s): Mr. Kanak Kumar Chatterjee, Advocat

For Respondent (s): Mr. Bikas Kargupta, Adv. for State of West Bengal (R-2-5)
Mr. Dipanjan Ghosh, Advocate

ORDER

1. Registry is directed to place the original records with complete order sets without which it is very difficult to proceed with the proceedings.

2. In the meanwhile, though it is mentioned in the affidavit dated 25.05.2018 that since the unit has failed to submit the required document even after six months and as such the district industry centre on 10.05.2018 issued letter stating that the in absence of the relevant document the incomplete application of consent to operate of M/s Biswanath Bani Mill should drop. But there is nothing

mentioned in the affidavit as to whether any further action has been taken by the State Pollution Control Board to close the industry or any notice is issued to the concerned Department to seal the industry and disconnect the electricity connection.

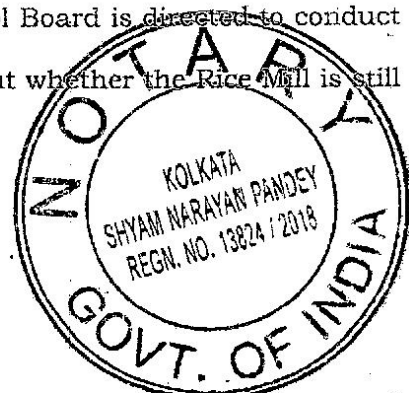
3. The learned Counsel for the Applicant submits that the unit is still functioning. The State Pollution Control Board is directed to conduct an inspection within a week and find out whether the Rice Mill is still

"Certified that this is a true and accurate copy of the document of order as in the case the (Application / Appeal No. 137/2017 (EZ) and that all the matters appearing therein have been legibly and faithfully copied with no modification"

For Registrar (NGT)

Signature

NATIONAL GREEN TRIBUNAL
Serial No. of the copy 34/2019/11
Name of the applicant: Raghunath Maity
Date of presentation of application... 08/04/2019
No. of Pages..... 25
Copying fee charged General/Ordinary..... 1542/-
Date of Preparation of copy..... 08/04/2019
Date on which copy is ready..... 08/04/2019
Date given for collection of copy..... 08/04/2019
Date of Delivery 08/04/2019 For Registrar (NGT)



operating without necessary approval from the concerned authorities. If it is functioning report regarding the action taken by the State Pollution Control Board including recovery of compensation for environmental damage being caused by operating the industry without approval be file before this Tribunal within one month from today by email.

4. List this matter on 27th may, 2019

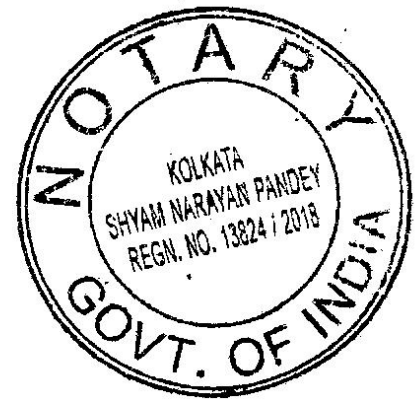
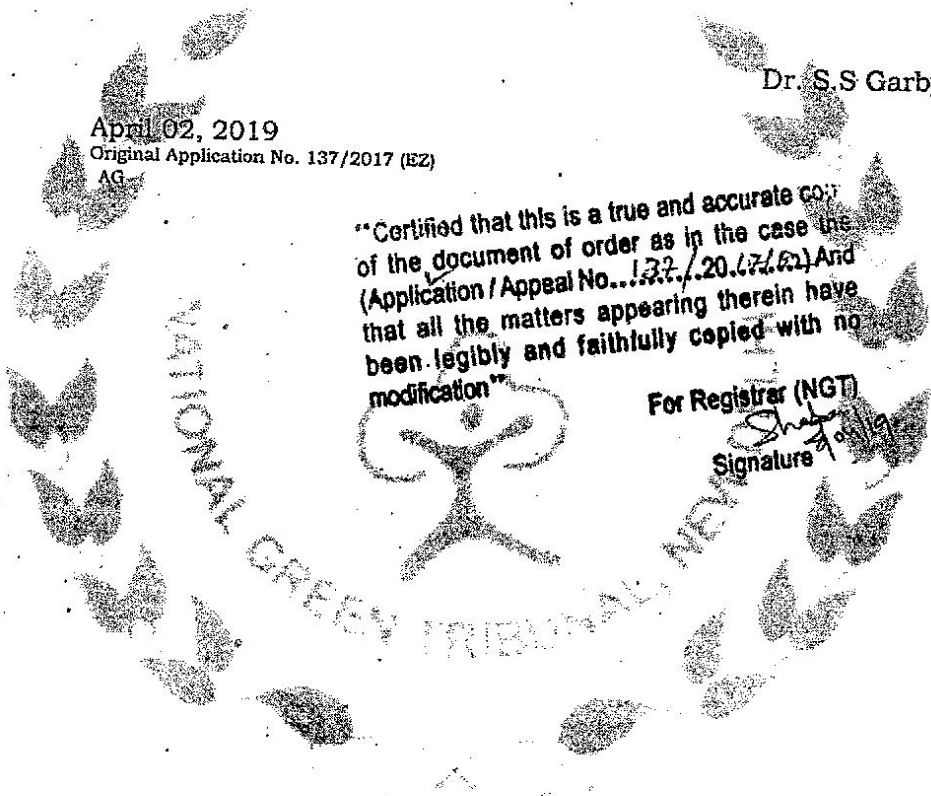
K. Ramakrishnan, JM

Dr. S.S Garbyal, EM

April 02, 2019
Original Application No. 137/2017 (EZ)
AG

"Certified that this is a true and accurate copy of the document of order as in the case file (Application / Appeal No... 137/2017 (EZ)) And that all the matters appearing therein have been legibly and faithfully copied with no modification"

For Registrar (NGT)
Signature
30/04/19





-160-

West Bengal Pollution Control Board
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, Bldg. 10A, Block LA
Sector.III, Salt Lake, Kolkata 700 098
Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861
Fax: (0091) (033) 2335-2813

Memo No.

-3L/WPB-G(IV) 2017

Date: /05/2019

CLOSURE ORDER WITH DISCONNECTION OF ELECTRICITY

WHEREAS, M/s. Biswanath Bani Mill (hereinafter referred to as the industry) located at Vill & PO- Meghadangar, P.S.- Panskura, District - Purba Medinipur, PIN - 721152 is engaged in Rice Husking, Spice Grinding, Mustard Oil Mill, Wheat Grinding, Dal Husking.

AND WHEREAS, the industry was inspected on 09.04.2019 as per the order of the Hon'ble NGT, dated 02.04.2019. During inspection, the unit was in operation without possessing valid Consent to Operate(CFO).

AND WHEREAS, operating a unit without possessing valid Consent to Operate is a violation of provision of the section 25 & 26 of the Water(Prevention & Control of Pollution) Act, 1974 and section 21 of the Air (Prevention & Control of Pollution) Act, 1981.

AND WHEREAS, as it is a small scale industry, sufficient opportunity to comply with the direction of the State Board was given earlier by the Board. But the industry did not comply with the said direction of the Board.

AND WHEREAS, the Hon'ble NGT has passed an order in connection with O A No 137/2017(EZ) dt. 02.04.2019 directing the State Pollution Control Board to take action.

NOW THEREFORE, considering the inspection report dated 09.04.2019 M/s. Biswanath Bani Mill located at Vill & PO -Meghadangar P.S-Panskura, District - Purba Medinipur PIN 721152 is hereby closed by the Board with immediate effect.

The electricity connection of the industry is ordered to be disconnected forthwith.

The Secretary (HR), WBSEDCL is requested to take necessary steps for disconnection of electricity of the industry immediately.

The closure order will take immediate effect and the Officer-in-Charge, Panskura Police Station is directed to execute the closure order against the aforementioned industry and submit the compliance report to the State Board within seven (07) days from the receipt of this Memo.

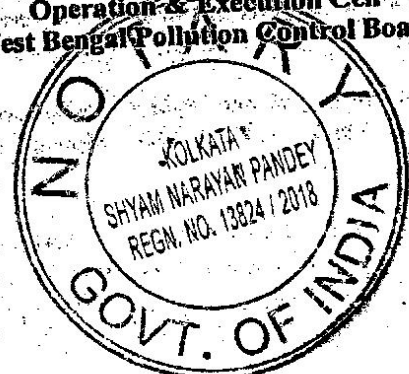
This direction has been issued to the Officer-in-Charge, Panskura Police Station and the Secretary (HR), WBSEDCL in conformity with the order of the Hon'ble High Court, Calcutta dated 21/08/1998 and 28/04/1999 respectively.

The Environmental Engineer, Haldia Regional Office, WBPCB is requested to take necessary steps for proper execution of the closure order against the industry and also visit the industry involving the local police station and the Nodal Police Officer.

This direction is issued in exercise of the powers conferred under the provision of Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act 1981, the Environment (Protection) Act, 1986 and Rules made thereunder after being approved by the Competent Authority.

By Order,

Sd/-
Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board



Memo

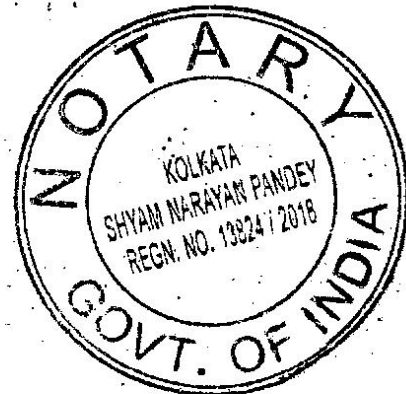
461(B) -
3L/WPB-G(IV) 2017

Date: 10/05/2019

Copy forwarded for information and necessary action to:

1. M/s. Biswanath Bani Mill, Vill & PO- Meghadangar, P.S.- Panskura, District - Purba Medinipur, PIN - 721152
2. OSD to MIC, Dept. of Environment, Govt. of W.B. Prani Sampad Bhavan, 5th Floor, LB-2; Sector-III, Bidhannagar, Kolkata-700106.
3. P.A to Additional Chief Secretary, Dept. of Environment, Govt. of W.B., Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106.
4. P.A. to Chairman, WBPCB
5. P.A. to Member Secretary, WBPCB
6. The Secretary (HR), WBSEDC Ltd, Bidyut Bhawan, Salt Lake City, Kolkata.
7. The Officer-in-Charge, Panskura Police Station, District - Purba Medinipur
8. The Chief Engineer, Planning, WBPCB
9. The Senior Environmental Engineer, Camac Street Circle Office, WBPCB
10. The Environmental Engineer, Haldia Regional Office, WBPCB
11. Technical Cell, WBPCB for updating the website.
12. Environment Officer- Communication, WBPCB - for circulation through float file.
13. Guard file of O & E Cell

Smit
Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board





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West Bengal Pollution Control Board
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, Bldg. 10A, Block LA
Sector III, Salt Lake, Kolkata 700 106
Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861
Fax: (0091) (033) 2335-2813

Memo No. 3L/WPB-G(IV)2017

Date: /10/2019

DIRECTION

WHEREAS, M/s Biswanath Bani Mill (herein after referred to as the industry) located at Vill+P.O.-Meghadanpur, P.S. -Panskura, Dist.-Purba Medinipur, Pin -721152 is engaged in Rice Husking, Spice Grinding, Mustard Oil, Wheat grinding, Dal Husking.

AND WHEREAS, as per the order of the Hon,ble NGT, Principle Bench dated 02/04/2019 the unit was inspected by the State Board official on 09.04.2019 and Closure Order with disconnection of order issued by the State Board on 10.05.2019 on the basis of inspection report.

AND WHEREAS, the industry was again inspected by the State Board official on 07/06/2019 for compliance verification. During inspection it was observed that the unit has not complied with the State Board order dated 10.05.2019 and electricity was not disconnected.

AND WHEREAS, State Board further requested to Officer -In Charge, Panskura Police Station and to the Director (HR), WBSEDCL on 12/06/2019 for execution of closure order.. But no compliance report was received. Finally the State Board requested to the Superintendent of Police, Purba Medinipur District. on 20/08/2019.

AND WHEREAS, the industry was again inspected by the District Administration on 09/09/2019 under the supervision of the Superintendent of Police, Purba Medinipur District and compliance report received from the Superintendent of Police, Purba Medinipur District on 17/09/2019.

AND WHEREAS, the industry has not possess valid 'Consent to Operate' of the State Board

NOW THEREFORE, considering the above and order of the Hon,ble NGT, Principle Bench dated 27/05/2019, M/s Biswanath Bani Mill located at Vill+P.O.-Meghadanpur, P.S. -Panskura, Dist.-Purba Medinipur, Pin -721152 is hereby directed as follows:-

1. That, the industry shall not to operate its activity without valid Consent to Operate of the State Board shall comply the State Boards order dated 10/05/2019.
2. That, the industry shall submit an EC(Environmental Compensation) of Rs. 70,500/- (Seventy thousand five hundred only) only, by Demand Draft in favour of WEST BENGAL POLLUTION CONTROL BOARD payable at Kolkata for non-compliance of Environmental norms.

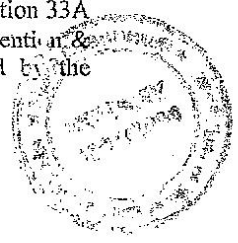
The Assistant Environmental Engineer & In -charge, Haldia Regional Office of the Board may be requested to keep a strict vigil on the industry. If the industry is again found to be non-complying, the Board will take strict regulatory action like forfeiture of BG, closure with disconnection of electricity of the industry.

Page 01 of 01



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This direction is issued in exercise of L.O powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of Air (Prevention & Control of Pollution) Act, 1981 and rules made thereunder after being approved by the Competent Authority.



By Order,

Sd/-

Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board

Memc No. 227(7)3L/WPB-G(IV)2017

Date: 24/10/2019

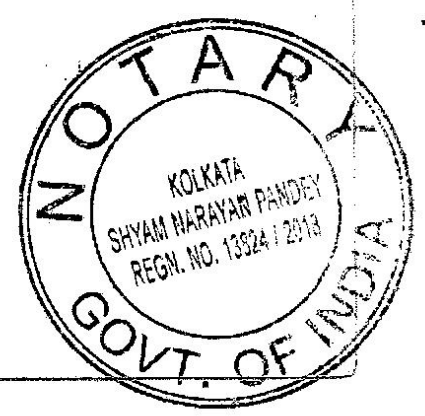
Copy forwarded for information and necessary action to:

1. M/s Biswanath Bani Mill, Vill+P.O.-Meghadanpur, P.S. -Panskura, Dist.-Purbo Medinipur, Pin -721152
2. P.A. to Chairman, WBPCB.
3. P.A. to Member Secretary, WBPCB.
4. The Chief Engineer, Planning & W.M. Cell, WBPCB.
5. The Superintendent of Police, Purbo Medinipur District. Tamluk Station Road, Vivekananda Nagar, Tamluk, West Bengal -721636
6. The General Manager, District Industries Centre, Purbo Medinipur District., P.O: Tamluk, Dist: Purba Medinipur, Pin:-721636,
7. The Senior Law Officer, WBPCB.
8. The Assistant Environmental Engineer & In-charge, Haldia Regional Office, WBPCB.
9. The Finance Accounts Manager(F), WBPCB.
10. Technical Cell, WBPCB for updating the website.
11. Environment Officer- Communication, WBPCB – for circulation through float file.
12. Guard file of O & E Cell

Gmll

Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board

27 NOV 2019



MS/4898
2009/19

- 164 -

SLO
20/9/19

Govt. of West Bengal
Office of the Superintendent of Police
D.E.B, Purba Medinipur

Date-17/09/19

Memo No. 612 /DEB

West Bengal Pollution Control Board

To
The Member Secretary
West Bengal Pollution Control Board,
Dept. of Environment
Govt. of West Bengal
Paribesh Bhawan, 10A, Block-LA,
Sector-II, Saltlake City
Kolkata -700106

Diary No. 9357C
Date 20/09/19
Referred to: CE (of E)
Remarks:

R. Majumdar
Member Secretary

Sub:- Compliance report in c/w execution of closure order against M/s Biswanth Bani Mill.

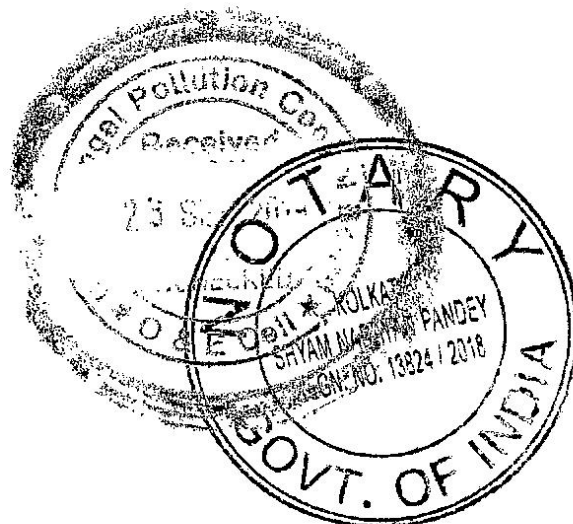
Ref. Your good office Memo No. 974 3L/ WPBC(IV) dtd. 20.8.2019.

With reference to the above, this is to kindly inform that OC, Panskura PS alongwith B.D.O Panskura-I executed the closure order of West Bengal Pollution Control Board against M/s Biswanath Bani Mill by sealing it in presence of local witness. It refers to Panskura PS GDE No. 392 dtd. 09.09.2019.

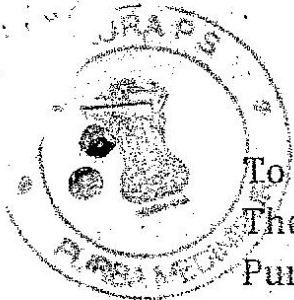
A report of Officer in-Charge, Panskura PS is enclosed herewith for kind perusal.

[Signature]
17/9/19
Superintendent of Police
DEB, Purba Medinipur

Diary No. 4193. Date 23/9/19
Operation and Execution Cell
West Bengal Pollution Control Board
Kolkata-700 098



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To
The Superintendent of Police D.E.B.
Purba Medinipur

Ref: -Memo No-974 3L/WPBC(IV) Dated-20.08.2019 of Member Secretary WBPCB arising out of OA No-137/2017.

Sir,

In compliance to your kind order under reference, I along with Shri Dhendup Bhutia, BDO Panskura-I, Subhadab Saha, AE & SM Pratappur CCC, WBSEDCL arrived at the spot at Meghadangar PS- Panskura Dist- Purba Medinipur and executed the closure order against M/s Biswanath Bani Mill by sealing it in presence of local witnesses on 09.09.19 (.) Electricity connection disconnected in the said will (.) This has a reference to Panskura PS GDE No-392 Dated-09.09.19 (.) This is Pertinent to state that Dipak Kr Das S/O- Kishor Das of Bakhrabaj PS- Panskura who use to run this will has asked to remain present at the time of execution of closure order but he refused to do so and he also did not received copy of order (.)

This is for favour of your kind perusal & oblige.

Enclose: -Copy of execution report duly signed
By witnesses attached here with for
Your kind perusal.

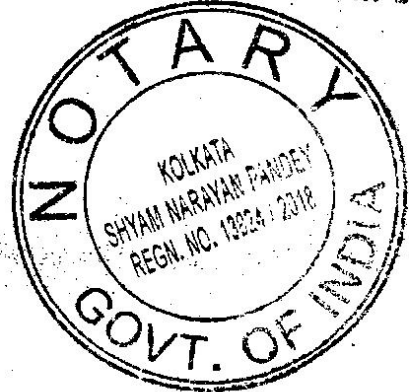
Yours faithfully

[Signature]

SI Ajoy Kr Mishra
Officer in Charge
Panskura PS

10/9/19
OFFICER IN CHARGE
PANSKURA PS.
PURBA MEDINIPUR

DR-8957



-166-

15.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4760-4761 OF 2021

DEEPAK KUMAR DAS

...Appellant(s)

Vs.

RAGHUNATH MAITY & ORS.

...Respondent(s)

O R D E R

The defects pointed out by the Registry are waived and the application for substitution to bring on record the legal heirs of the deceased sole appellant is allowed.

Learned counsel for the appellant seeks permission to withdraw these appeals.

However, it is submitted that he has made a representation to the competent authority for re-opening of the husking mill.

Needless to say that if the representation is submitted, the competent authority has to consider it in accordance with law. Ordered accordingly.

In view of the above, the Civil Appeals are dismissed as withdrawn.

.....J.
[S.ABDUL NAZEER]

.....J.
[KRISHNA MURARI]

New Delhi;
September 24, 2021.

Signature Not Verified
Digitally signed by
Anita Malhotra
DN: cn=Anita Malhotra,
o=Supreme Court of India,
c=IN

True Copy.



Mr. Golam Mastafa M.A., LL. B.
(Advocate)

Mr. Samirul Sardar (Advocate)

Mob.: 62902 86595

Bar Association
Room No. 6,
High Court, Calcutta

Chamber:
57, Ripon Street, 2nd Floor
Kolkata - 700 016,

Residence :
58, Ripon Street, 1st Floor.
Kolkata - 700 016,
Mob.: 98308 49622

Date February 11, 2022

To,
The Superintendent of Police, Purba Medinipur,
Tamluk Station Road,
Post Office Tamluk,
District Purba Medinipur,
Pin-721 636.

The Sub-Divisional Police Officer, Tamluk,
Uttar Chara Sankarara,
Post Office Tamluk,
District Purba Medinipur,
Pin-721 636.

The Inspector-in-Charge,
Panskura Police Station,
Post Office Panskura,
District Purba Medinipur,
Pin-721 139.

Dear Sirs,

Sub : For unlocking the Biswanath Bani Mill
at Meghadangor, P. S. Panskura, District
Purba Medinipur.

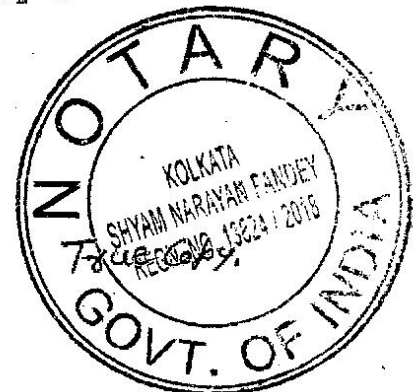
Please refer to my letter dated 25.10.2021 where by and
whereunder you were communicated the orders of the Hon'ble
Supreme Court and ~~where~~ were requested to take steps so that the
Biswanath Mill may operate. You were also requested to unlock
the padlock. But till date nothing has been done.

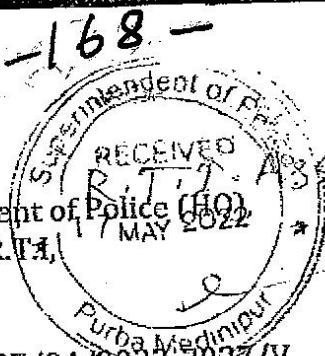
You are requested to look into the matter and take steps
for unlocking the padlock illegally put in by the local Police
station.

With thanks,

Yours faithfully,

Hyder Masud
Advocate.





17

To,
The Deputy Superintendent of Police (HQ),
SPIO & Nodal Officer of R.T.I.,
Purba Medinipur.

Ref: - Memo No. : RTI - 27/04/2022-3027/V

Dated: 13.04.22.

Sir,

In returning herewith the above ref. Memo of the Petitioner Sri Raghunath Maity S/O- Lt Bibhuti Bhusan Maity of Vill+PO- Meghadagar, PS- Panskura, Dist- Purba Medinipur under R.T.I Act, I beg to state that the door of Biswanath Bani Mill Proprietor Dipak Kumar Das was opened under the order of Hon'ble Supreme Court of India vide Civil Appeal Nos 4761 of 2021.

This is for favour of your kind information.

Enclosure:-

- i) Copy of order Hon'ble Supreme Court of India.

Date: 17.05.2022

Yours faithfully

(Shri Ashis Majumder) 17-05-22
Inspector In-Charge
Panskura PS
Purba Medinipur

Inspector-in-Charge
Panskura Police Station
Purba Medinipur

DR- 6148/22
DF- 17/05/22

True Copy.



Government of West Bengal
Office of the Superintendent of Police
Purba Medinipur.

Memo No: RTI- 27/04/2022, 267/E
38/04/22 & 39/04/22 -

Dated : 20/05/22.

To
Sri Raghunath Maity,
S/O-Lt. Bibhuti Bhusan Maity,
Vill+PO - Meghadangar,
PS - Panskura,
Dist.- Purba Medinipur,
Pin - 721152.

Sub: Information sought for under RTI Act-2005.

Enclosed please find herewith the report of Shri Ashis Majumder, IC Panskura PS Purba Medinipur under reference on the above mentioned subject which will speak for itself.

Enclo: - As stated.

Deputy Superintendent of Police (HQ),
SPIO & Nodal Officer of RTI,
Purba Medinipur.

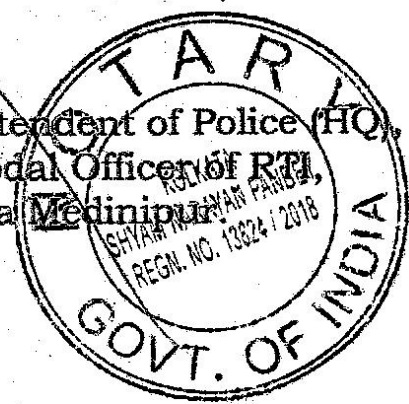
Memo No: RTI- 27/04/2022,
38/04/22 & 39/04/22 -

Dated : /05/22.

Copy to:-

1. The Public Relation Officer & SPIO(Under Right to information Act, 2005)West Bengal Pollution Control Board (Department of Environmental, Govt. of West Bengal), Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar, Kolkata- 700106. Ref.Memo No - 1022/1J-5/2022(part-XI) dated 06.04.2022 & Memo No - 1069/1J-5/2022(part-XI) dated 07.04.2022 - for kind information.

Deputy Superintendent of Police (HQ),
SPIO & Nodal Officer of RTI,
Purba Medinipur.





WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Govt. of West Bengal)

Paribesh Bhawan

Bldg. No. 10A, Block - LA, Sector-III, Bidhannagar Kolkata-700 106

Tel: (033) 2335-9088, Fax : (033) 2335-2813

Website: www.wbpcb.gov.in. Email: net.wbpcb-wb@bangla.gov.in

Memo No. 1014 /1J-4/2022 (Part-III)

Dated: 05.04.2022

To
Shri Raghunath Maity,
S/o. Late Bibhuti Bhusan Maity,
Vill. & P.O. - Meghadangar,
P.S.- Panskura,
Dist.- Purba Medinipur,
PIN - 721152.

Sub : Information under the "Right to Information Act 2005".

Ref : RTI Case No. 2849.

Sir,

With reference to the above, I am furnishing the relevant answer as sought for :

Information sought for	Answer
1. The legal heirs of Late Dipak Kumar Das proprietor of Biswanath Bani Mill situated at village + Post Office - Meghadangar, P.S. - Panskura, District - Purba Medinipur, PIN - 721152 got any consent to operate and consent to establish permission from your department in respect of which plot and Plot Numbers and Mouza and all details are required.	The State Board did not issue any "Consent to Establish" and "Consent to Operate" permission in favour of M/s. Biswanath Bani Mill situated at village + Post Office - Meghadangar, P.S. - Panskura, District - Purba Medinipur, PIN -721152
2. If permission is given in who's name and address, are required.	Not applicable.

Thanking you,

Yours faithfully,

05/04/2022

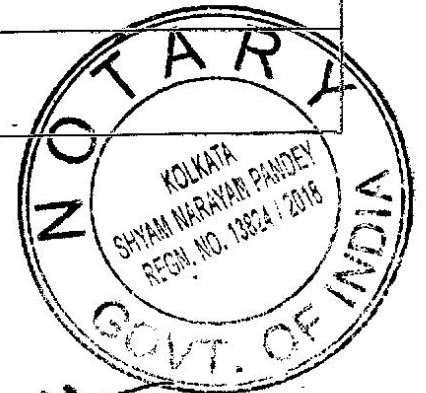
(ARUP GUHAIT)

Public Relation Officer &

State Public Information Officer

(Under the Right to Information Act, 2005)

True Copy.



-171-

ANNEXURE - A-38.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. _____ OF 2022
IN

DIARY NO. 26504 OF 2022

IN

CIVIL APPEAL NO. 4760-4761 OF 2021

IN THE MATTER OF:

DIPAK KUMAR DAS THROUGH HIS LEGAL HEIRSAPPELLANTS

VERSUS

RAGHUNATH MAITY & ORS.

...RESPONDENTS

WITH

~~Affidavit~~

Reply to the Application for Direction.
2

PAPER-BOOK
(FOR INDEX KINDLY SEE INSIDE)

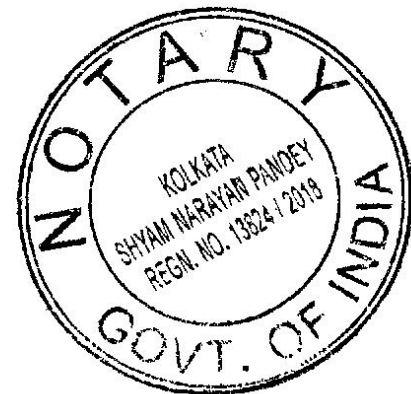


ADVOCATE FOR THE APPELLANT:

RANJAN MUKHERJEE

INDEX

Sl. No.	Particulars	Pages
1.	² Affidavit Reply to the application for direction of the respondent	1-8
2.	<u>Annexure R/1</u> True Copy of the Application form for grant of certificate	9-10
3.	<u>Annexure R/2</u> True copy of the Inspection Report Cum Check List	11-13
4.	<u>Annexure R/3</u> True copy of the Site Clearance	14
5.	<u>Annexure R/4</u> True copy of the application form for consent to operate for green category industries	15-19



IN THE SUPREME COURT OF INDIA

(Civil Appellate Jurisdiction)

Interlocutory Application No. _____ of 2022

Diary No. 26504 of 2022

IN

Civil Appeal Nos.4760-4761 of 2021

In the matter of:

Deepak Kumar Das
Through his Legal Heirs

... Appellants

Versus

Raghunath Maity & Others

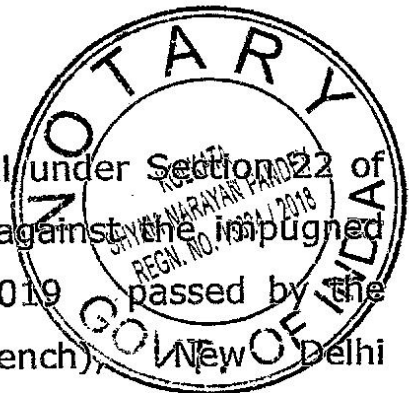
... Respondents

REPLY AFFIDAVIT ON BEHALF OF SUBHANKAR DAS LEGAL HEIRS OF DIPAK KUMAR DAS (SINCE DECEASED) TO THE APPLICATION OF RAGHUNATH MAITY RESPONDENTNO. 1

I, Subhankar Das son of Dipak Kumar Das, residing at Village-Bakhrabaj, P.O. Maghadnagar, P.S. Panskura, District- Purba Medinipur, Pin - 721152, West Bengal, presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I am one of the legal heirs of the deceased, the Appellant, Dipak kumar Das and I am well conversant with the facts and records of the case and therefore, competent to swear this Affidavit.

2. That the petitioner had filed Civil Appeal under Section 22 of the National Green Tribunal Act, 2010 against the impugned Order dated 02.04.2019 and 02.12.2019 passed by the Hon'ble National Green Tribunal (Principal Bench), New Delhi through Video Conferencing) in Original Application No.137 of 2017 (EZ) thereby inter alia directing the stopping of husking -

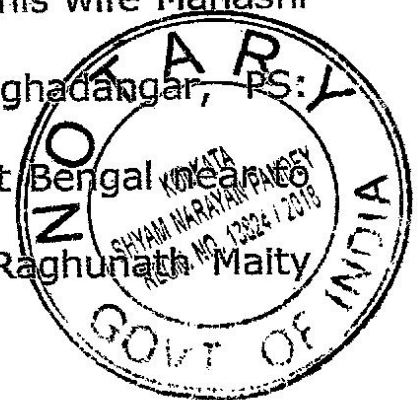


mill of the Appellant and recovery of compensation though there is no pollution caused by the Mill as reported by the Pollution Control Board. Needless to mention that the petitioner is running a Husking mill which is not causing any pollution as would stand evident from the report of the Pollution Control Board.

BRIEF FACTS

That the petitioner in the Civil Appeal, Dipak Kumar Das (now deceased) was the owner of a small husking machine under the name of Biswanath Bani Mill. The husking machine falls under green category and there was no significant impact of environmental pollution as observed by the State Pollution Control Board.

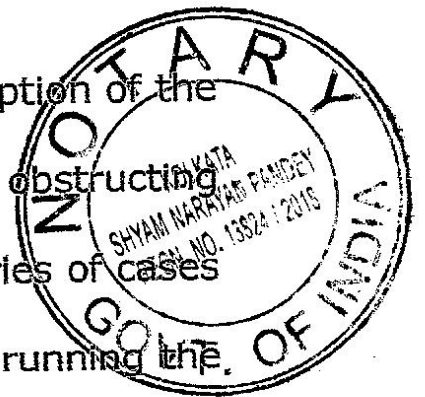
That Mr. Raghunath Maity the applicant in the present application is rival in trade and the owner of a rice mill namely Manashi Bani Mill and is name of his wife Manashi Maity which is situated at Mouza Meghadangar, PS: Panskura, District: Purba Medinipur, West Bengal near to the Biswanath Bani Mill, the Petitioner. Raghunath Maity



was a Postmaster and was the owner of Manashi Bani Mill i.e. a husking mill and he runs the said business in the name of his wife Manashi Maity. The said Manashi Bani Mill is situated at mouza Meghadangar, PS: Panskura, District: Purba Medinipur, at the close vicinity of the husking mill of the petitioner.

That in 2003 the husking machine was established by Sri Dipak Kumar Das with consent to establish from all concerned authority. However, since 02.12.2019 the Mill was closed when the impugned order was passed and continues to remain closed till date. The appellant has faithfully complied with the order dated 02.12.2019 passed by the National Green Tribunal and has not violated in any manner whatsoever the orders and directions passed by the National Green Tribunal.

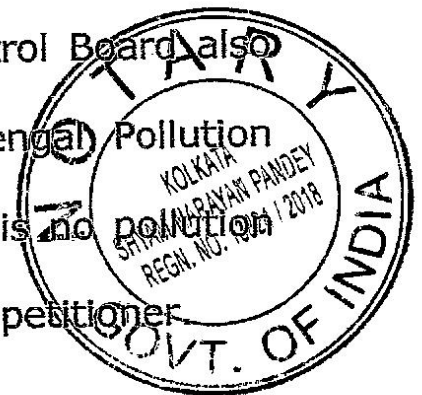
That Raghunath Maity since the very inception of the business of the petitioner in 2003 has been obstructing the running of the business and had filed a series of cases in the Hon'ble High Court with a view to stop running the husking machine of the Petitioner. But he miserably failed



which is evident from the records since 2003. In August, 2017 Raghunath Maity filed a case in National Green Tribunal under National Green Tribunal Act, 2010. The Original Application was result of business rivalry and was clearly actuated by malafide motive with the sole purpose of closing down the petitioner's business.

That from various reports and from the last report and order dated 11.01.2018 issued by the West Bengal Pollution Control Board it would appear that there is no environmental potential impact for existence of the unit in the land in question. There is no pollution of the environment by the husking machine of the petitioner. The enquiry, inspection and order was passed by the Pollution Control Board as per order of the Ld. Green Tribunal.

That the West Bengal Pollution Control Board also filed affidavit with order of the West Bengal Pollution Control Board stating inter alia that there is no pollution impact because the husking machine of the petitioner



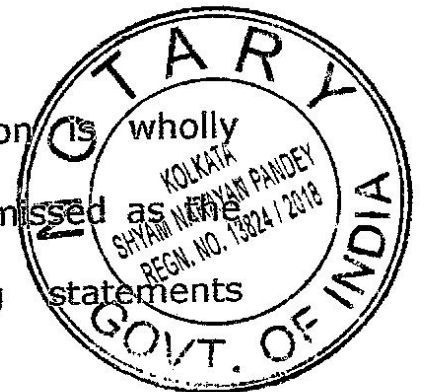
That the Pollution Control Board categorically stated that the unit of the petitioner is "Green Category" and as such there was no pollution and/or violation of any Act.

The National Green Tribunal without appreciating the report of State Pollution Control Board in proper perspective, passed an order for closure including disconnection of electricity.

PARA WISE REPLY:

That at the very outset the petitioner herein denies each and every averment and contention raised in the present application except those which have been expressly admitted by the petitioner herein. It is respectfully submitted at the outset that the present petition deserved to be rejected at the threshold for the prevaricating stand of the applicant:

1. That the instant Interlocutory Application is wholly misconceived and the same is liable to be dismissed as the applicant has made false and misleading statements suppressing the material facts in the application.



6

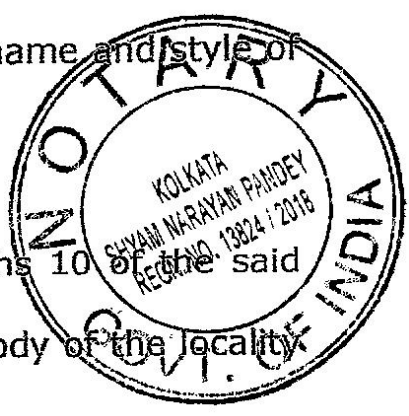
2. That the Hon'ble Supreme Court by the judgment and order dated 24.09.2021 was pleased to observe that the competent authority has to consider the prayer of the appellant in accordance with law. The issue is pending before the competent authority and till date no decision has been taken despite lapse of time.

3. That neither the mill has been running nor any electric connection has been given. The applicant Raghunath Maity just to harass the appellant since deceased, his legal heirs has filed the instant application.

4. That the mill has not been functioning as alleged or at all. No electric connection has been given.

Moreso, the mill is a green category mill and as such there is no scope of pollution in the locality and vibration as alleged or at all. In the same-locality, Raghunath Maity has been running a large husking mill under the name and style of Manashi Bani Mill.

5. That the allegations made in paragraphs 10 of the said application are all false and misleading. Nobody of the locality



7

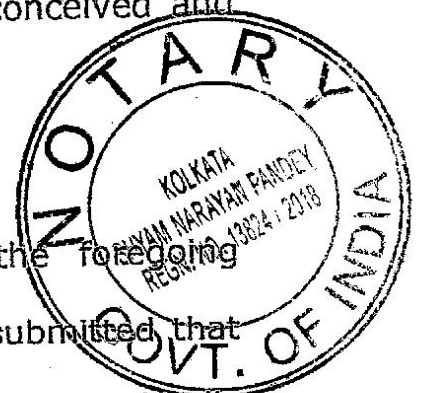
excepting Raghunath Maity has any objection in operating the Mill, though it is not operating.

6. That the State Authorities are competent enough to decide the claim of the appellant. Raghunath Maity has no locus standi to question the authority of the State and the order of the Hon'ble Supreme Court.

7. A perusal of Annexure P/1 to P/4 filed along with this reply would go to show that the appellant has taken all clearances which is required for running the husking mill and there is no reason as to why this running husking mill should be shut down. This husking mill is the only source of livelihood and the abrupt stoppage of the mill has caused incalculable loss injury and damage to the appellant.

8. That the instant application is wholly misconceived and the same is liable to be dismissed with costs.

9. In view of what has been stated in the foregoing paragraphs it is most humbly and respectfully submitted that this Hon'ble court in view of the Annexures may kindly consider directing the reopening of the husking mill.



10. It is prayed accordingly.

Subhankar Das

Appellant

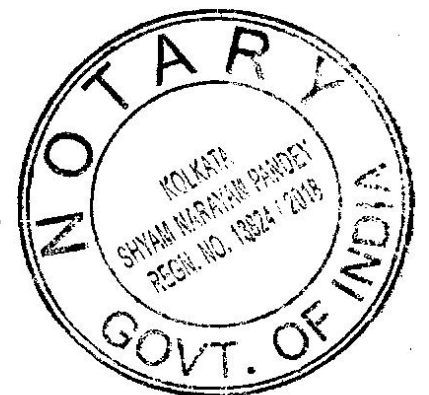
Verification :

I Subhankar Das son of Dipak kumar Das, I am one of the legal heirs of the deceased, the Appellant, Dipak kumar Das, herein do hereby verify that the contents of paragraphs 1 to 8 of this reply are true to my knowledge and rest are humble submission and prayer before this Hon'ble court; nothing material has been concealed therefrom and no part thereto false.

Subhankar Das

Appellant

Verified at New Delhi this the ^{18th} day of November, 2022.



FORM 11

(See Rule 58(2) 1

Name of District: : **PURBA MIDNAPORE**

Name of Block : **PANSKURA**

Name of Gram Panchayat : **GHOSHPUR**

Trade Registration No. : **336**

Trade Registration Date : **08-Mar-2022**

Trade Registration Certificate Issue No. : **1**

Issue Date : **11-Mar-2022**

Trade Registration Certificate issued for the period of : **2021-2022, 2022-2003, 2023-2024**

To : **SUBHANKAR DAS**

(Name of Prop/Partner/Director)

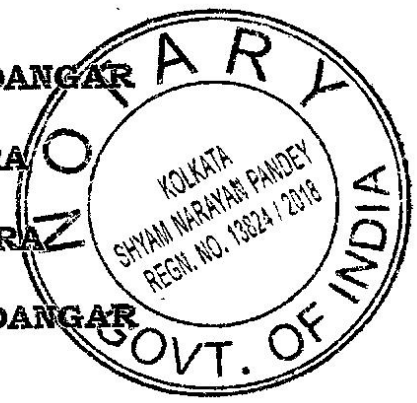
Full Address:

VILLAGE : **MEGHADANGAR**

PARA : **DAS PARA**

POLICE STATION : **PANSKURA**

POST OFFICE : **MEGHADANGAR**



MOUZA : 92
DAG : 165
PIN NO. : 721152
GRAM SANSAD PART NO. : MEGHADANGAR
DESCRIPTION OF TRADE : BANI MILL
Gram Panchayat acknowledges : Rs.750 (Rupees Seven
a sum of : Hundred and Fifty only)
From : BISWANATH BANI MILL

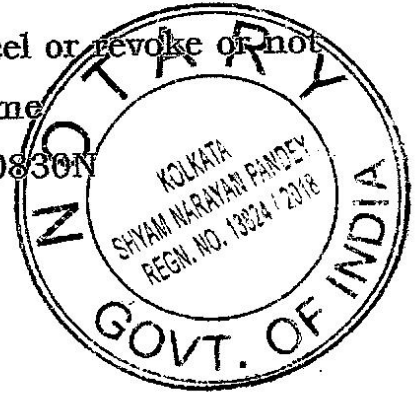
(Name of Trade)

Grant of this certificate shall not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade. If any violation/default is noted later is, the certificate shall be liable to be cancelled and the trade/business shall be closed down with immediate effect.

This Certificate is Electronically Generated

N.B.: Gram Panchayat has every right to cancel or revoke or not allowing renewal of registration at any time

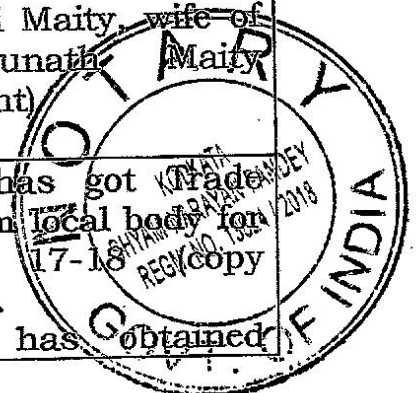
Ref: Application Docket No. NOCRWGR13350830N
<https://wbprd.gov.in/>



ANNEXURE - B/2

INSPECTION REPORT CUM CHECK LIST

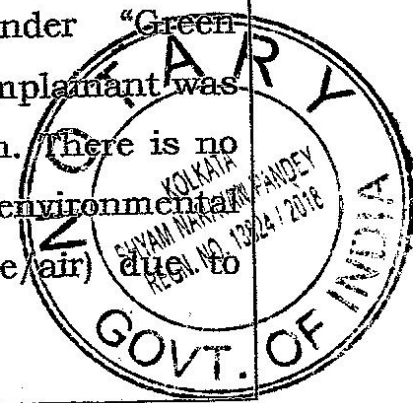
Name of the Industry	:	M/s Biswanath Bani Mill
Address	:	Vill & PO: Meghadangar, PS: Panskura, Midnapore(E)
Reference of Inspection:	:	As per direction of NGT (EZ Bench)-137/2017/EZ and subsequent direction of SEE, HRO.
Police Station	:	Panskura
Electricity	:	WBSEDCL
Local Body	:	Gram Panchayat
Category of Industry:	:	1. Wheat Grinding-Exempted 2. Rice Milling-Green
Date & Time of Inspection	:	24.10.2017 at 4.30 PM
Inspecting Officers	:	Sri K. Sahoo, AEE, HRO & Sri S. Mukherjee, AEE, HRO
Person met during Inspection	:	1. Shri Dipak Kumar Das (Proprietor) on behalf of the Unit. 2. Smt. Minati Maity, wife of Sri Raghunath Maity (Complainant)
Statutory Compliance	:	I. The unit has got Trade License from Local body for the year 17-18 enclosed-A). II. The unit has obtained



	consent to establish from the District Industry Centre, Medinipur dated 08.01.2004 (copy enclosed-B).
--	---

Observation: As per the direction of Court the undersigned Officers went to check the compliance status of the Unit with reference to the Hon'ble NGT direction and the observation with photograph are as follows:

Sl. No.	Direction of the Hon'ble NGT	Compliance Status
1.	State PCB is directed to once again inspect the unit in question and verify correctness of the allegation contained in the O.A.	During inspection, it was observed that the said unit is engaged in wheat grinding and rice milling (using 15 Hp motor-1 no.) and was in operation. The whole operation is done in enclosed room. The unit is situated almost opposite to the complainant residence at a distance of 20 ft. approx. As per the categorization of industries followed by the State Board, wheat grinding comes under "Exempted Category" and rice milling comes under "Green Category". The wife of complainant was present during inspection. There is no significant impact of environmental pollution observed (noise/air) due to operation of the unit.

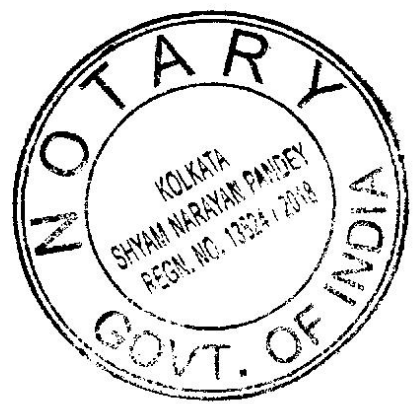


2.	While filling the inspection report, the Board shall indicate the action taken in furtherance of its report dated 11.05.2017.	: As per the document shown by the proprietor of the unit, it has been noted that the unit has obtain consent to establish from DIC, Medinipur and trade license from Ghoshpur Gram Panchayat. However, consent to operate in favour of the unit has not been observed. The unit may be directed to apply consent to operate immediately to the DIC, Tamluk, Purba Medinipur (Ex-Officio Member of WBPCB).
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Sd/- 26.10.2017
S. Mukherjee, AEE, HRO

Sd/-26.10.2017
K. Sahoo, AEE, HRO

TRUE COPY



SITE CLEARANCE

This is to certify that Sri/Smt. Subhankar Das son of Dipak Kumar Das is a permanent resident of Village: Bakhrabas, PO: Meghadangar, PS: Panskura, Purba Medinipur, Pin-721152.

This Municipality/Gram Panchayat has "No Objection" if a new enterprise/existing enterprise is set up/has setup by Sri Subhankar Das for the manufacturing/repairing/servicing activity for Rice Mill (Rice Hailers only wheat chakki) under the name and style of M/s Biswanath Bani Mill at the following address within the jurisdiction of this Municipality/Gram Panchayat, Village: Meghadangar, PO: Meghadangar, Mouza: Meghadangar, JL No. 92, Khatian No.480, 157, Plot No./Date: 160, 165 covered area: 720 sq. ft. 3 decimal in the District of Purba Medinipur, West Bengal - 721152.

This existing Enterprise is running since N.A. (in case of existing Enterprise).

Ghospur Gram



TRUE COPY

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ANNEXURE - B/4

WEST BENGAL POLLUTION CONTROL BOARD

Paribesh Bhawan, 10A, Block-LA, Sector III, Salt Lake
Kolkata-700098, INDIA; Ph: 3359088 & Fax: (0091) 3358073

**Application Form for Consent to Operate for
Green Category Industries**

Application for consent to operate for discharge of effluent, under Section 25 and Section 26 of Water (Prevention and Control of Pollution) Act, 1974 and emission/continuation of emission under Section 21 of the Air (Prevention and Control of Pollution) act, 1981.

Application No.:1854099 Date of submission: 02.04.2022

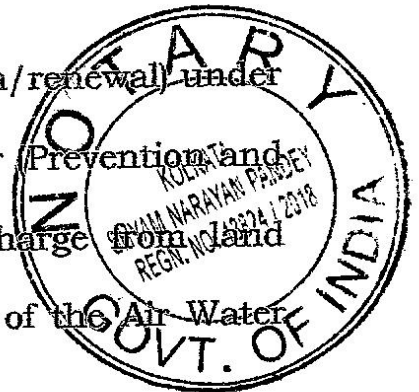
Category: GREEN

Industry Type: Small

From: (Name and Address of the Unit)
Biswanath Bani Mill
Vill+PO: Meghadangar

To,
The Member Secretary,
West Bengal Pollution Control Board,
Kolkata

I/We hereby apply for 'Consent to Operate' (fresh/renewal) under (i) sub-section (2) of Section 25 and 26 of Water (Prevention and Control of Pollution) Act, 1974 to make discharge from premises and (ii) sub-section (2) of Section 21 of the Air Water



(Prevention and Control of Pollution) Act, 1981 to make emission from the industrial plant owned by M/s Subhankar Das for its unit located at Vill+PO: Meghadangar, Tel. No.0-8777581427.

I/we hereby further declare that the information furnished below and in Appendices/Annexures are correct to the best of my knowledge. I/we hereby submit that in case of change of status in regard of any of the information provided a fresh application shall be made as required under the provisions of the related Acts. I/we hereby agree to submit to the Board application for renewal of consent two months in advance of the related date of expiry of the consented period, if to be continued thereafter. I/we undertake to furnish any other information within seven days of its being called for by the State Board.

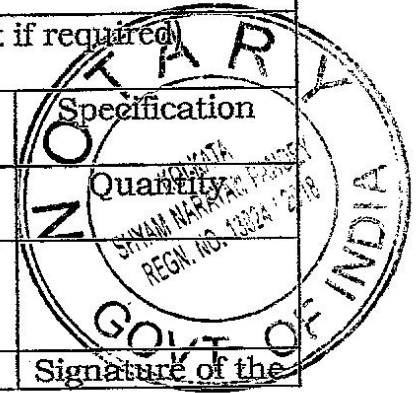
I/we enclose herewith Challan of Rs. _____ deposited at Branch dated in favour of West Bengal Pollution Control Board being the consent to operate application fee.

Industry Information:

Scale: Small Scale	No. of Staff: 1	Gross capital investment in Rs. 150000/- [land, building, plant, machinery excluding capital investment on pollution control system]. (Supported by affidavit, certificate from
--------------------	-----------------	--



		Chartered Accountant or annual report).		
Raw material(s): (attach additional sheet if required)	Raw Material Name		Quantity/day	
	1		Paddy	
	30000 Kg/month		2	
	Wheat		600 kg/month	
Products(s): (attach additional sheet if required)	Product/by product name	Production capacity/ (per month)	Average production (per month)	
	Rice	3000 kg/month	3000 kg/month	
Water consumption (KLD) Industrial - Domestic -	Source consumption		Quantity (KL/D)	
Waste Water quantity (KLD) Industrial - Domestic -	Source of waste water		Quantity (KL/D)	
Waste water treatment facility if any (attach additional sheet if required)			Final discharge to:	
No. of STP	Type of discharge	STP capacity per day	Final discharge to/final point of disposal	
Air emission sources: (attach additional sheet if required)				
Air pollution control devices: (attach additional sheet if required)				
Type	Name	Specification		
Solid waste: Name	Nature	Quantity		
Name of applicant: Subhankar Das		REGN. NO. 13024/2018		
Designation: Proprietor	Seal of the Company	Signature of the		



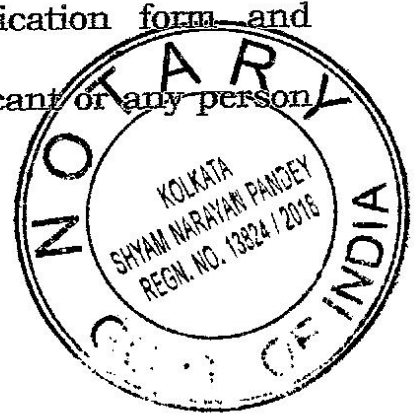
		Applicant
Address of Applicant: Vill+PO: Meghadanger	Contact Tel. No. of the Applicant: 0-9777581427	

Check-list of accompaniments: [Please put tick mark (-) as applicable].

- o The Third Part of the challan (in original) as proof of deposition of consent application fee.
- o Undertaking/affidavit/annual report/certificate from a Chartered Accountant (Item No.05).
- o Additional sheet against raw material and quantity.
- o Additional sheet against product and quantity.
- o Additional sheet against waste water treatment facility.
- o Additional sheet against Air emission sources.
- o Additional sheet against Air Pollution control devices.

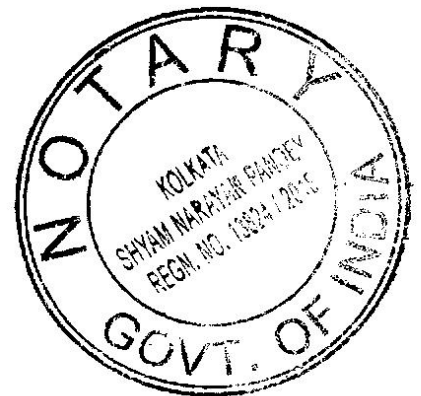
Note:

- All enclosures, documents and analysis reports of Board's recognized laboratories must be signed/countersigned by the applicant with official seal.
- All subsequent correction in the application form and enclosures should be signed by the applicant or any person authorized by the applicant.



➤ The form is to be filled preferably in by typewriting or legible hand writing.

TRUE COPY



ITEM NO.13

COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MISCELLANEOUS APPLICATION Diary No(s). 26504/2022

(Arising out of impugned final judgment and order dated 24-09-2021 in C.A. No. No. 4760/2021 24-09-2021 in C.A. No. No. 4761/2021 passed by the Supreme Court Of India)

DEEPAK KUMAR DAS (DEAD) THROUGH LRS.

Petitioner(s)

VERSUS

RAGHUNATH MAITY

Respondent(s)

IA No. 121128/2022 - CLARIFICATION/DIRECTION
IA No. 151861/2022 - CONDONATION OF DELAY IN FILING)

Date : 04-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Tejaswi Kumar, Adv.
Mr. Ambar Qamaruddin, AOR
Mr. Syed Sarfaraz Karim, Adv.

Mr. Ranjan Mukherjee, AOR
Mr. S. Bhowmick, Adv,

For Respondent(s) Mr. Tejaswi Kumar, Adv.
Mr. Ambar Qamaruddin, AOR
Mr. Syed Sarfaraz Karim, Adv.

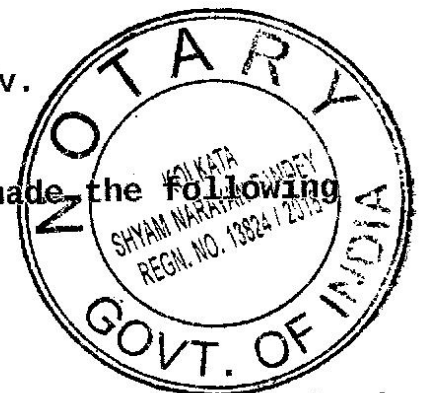
UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties.

Delay condoned.

Signature Not Verified
Digitally signed by
Neelam Gulati
Date: 2022.11.05
12:55:08 IST
Reason:

Having heard learned counsel for the parties and having perused the record, we are of the considered view that no direction can be issued further to the Order dated 24.09.2021. Therefore,

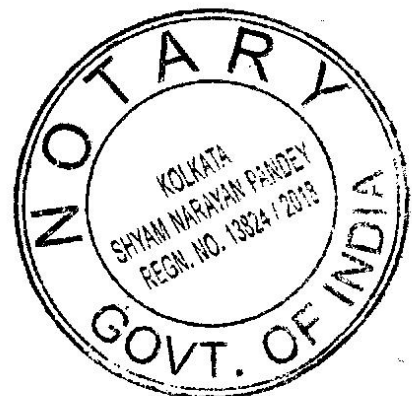


application for Direction is dismissed. However, liberty is reserved to the applicant(s) to initiate appropriate action in accordance with law.

M.A. is disposed of accordingly.

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
COURT MASTER (NSH)





ANNEXURE A-40

Government of West Bengal
Dte. of Micro & Small Scale Enterprises
Office of the General Manager
District Industries Centre, Purba Medinipur
Ganapatnagar, Nimtouri
Dist. Purba Medinipur

Memo No. 708/DIC/RTI/22-23

Date:-10.01.2023

**Sub:- Reply of RTI application of Raghunath Maity, S/O of Bibhuti Bhushan Maity, Dated:-
30.11.2022.**

Ref:- Memo no. 3351/1J-23/2022(Part-III), Dated 30.11.2022 of WBPCB.

To
Raghunath Maity
S/O- Bibhuti Bhushan Maity
Vill. & P.O.- Meghadangar,
P.S.- Panskura, Dist:- Purba Medinipur
Pin.- 721152

Sir,

In reference to the subject mentioned above, the information as required by you are given below.

1. Land Documents of M/S- Biswanath Bani Mill , Pro- Subhankar Das of Vill. & P.O.- Meghadanga, P.S.- Panskura, Dist:- Purba Medinipur Pin.- 721152 which were annexed with 'Consent to Operate' application are enclosed herewith.
2. Status of 'Consent to Operate' of M/S- Biswanath Bani Mill , Pro- Subhankar Das of Vill. & P.O.- Meghadangar, P.S.- Panskura, Dist:- Purba Medinipur Pin.- 721152 is "Rejected".

This is for your information

Thanking you,

Memo No. : 708/1 /DIC/RTI/22-23

Copy forwarded for kind information to :

1. PRO & SPIO of WBPCB, Under the Right to Information Act,-2005

S. Chakrabarti
GM-DIC, Purba Medinipur

Date : 10.01.2023



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ANNEXURE - 41



West Bengal State Electricity Distribution Co. Ltd

(A Government of West Bengal Enterprise)

Office of the Assistant Engineer & Station Manager, Pratappur CCC, WBSEDCL
Bahargram, Panskura, ph : 03228-252180 ; email : sm.pratappur@wbasedcl.in

Memo no: PTP/court case/902

Date: 6/7/22

To
Legal heirs of Lt. Dipak kr. Das
Meghadangar, Panskura
Purba Medinipur

Sub: Regarding the electric connection of Biswanath Bani Mill at Meghadangar.

Ref: 1. Letter of your advocate at this office received no. 2021 dtd. 16.02.2022
2. Your application received at this office vide no. 2373 dtd. 31.03.22

Dear Sir/ Madam,

In connection to the above subject & reference the following points are to inform:

1. As per the order dt. 24.9.2021, the competent authority has to consider the application for re-opening of the husking mill, in accordance with law.
2. WBSEDCL is not the competent authority here and thus can not order the reopening of the mil.
3. The application for reconnection can be considered only after the order for re-opening of husking mill by the competent authority is submitted to WBSEDCL.
4. Reconnection can not be done in the name of a dead person.
5. Change of name should be executed at the time of reconnection or anew connection may be effected in the new name, as applicable.

A.E & station Manager
Pratappur Customer Care Centre

Address of the registered office of WBSEDCL : Bidyut Bhavan, Block-DJ, Sector-III, Bidhannagar, KOL-91
CIN No.- U40109WB2007SGC113473, WEBSITE : www.wbasedcl.in

