

**28.08.2023**

Item No.1

Ct. No.1

PG/KS

**W.P.A.(P) 439 of 2023**

**Apurba Biswas & Ors.**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Sankar Paul

Ms. Tapati Sarkar

.....for the Petitioners

Mr. Shamim ul Bari

Mr. Amritlal Chatterjee

.....for the State

1. By this public interest litigation, the petitioners alleged that a plot of land measuring 117 decimals comprised in L.R. Plot No.323, R.S. Plot No.252 of Mouza – Chithaliya, Police Station – Gopalnagar, District – North 24 Parganas is being illegally converted into an organic fertilizer plant. According to the writ petitioners, the area is a densely populated area and 300 families are living around the said plot of land and if the area is converted into an organic fertilizer plant, it will be a nuisance to the general public and it will be hazardous. Further, it is alleged that dead animals are also being dumped in the said land.
2. The learned State advocate has submitted written instruction given by the Block Development Officer, Bongaon Development Block, Bongaon,

North 24 Parganas from which it is seen that the facility, which is to be established is not an organic fertilizer plant but a solid waste management plant, which comes under the Central Government scheme namely, Swachha Bharat Mission. It has been specifically stated that the plant does not deal with dead carcasses. The organic and plastic wastes being collected will be recycled into an organic fertilizer and recyclable plastic product respectively and there are many such projects successfully being already operated across the country and none of which pose hazardous threat to public health.

3. Further it is submitted that the local villagers have been informed that the plan of an Anganwari School has already been proposed and the plan for children's park will be taken during the upcoming annual action plan and both the plans can co-exist with solid waste management since an organic fertilizer or a plastic recycling hub cannot be considered as a health hazard rather such projects are undertaken with a goal to reduce the health hazards.
4. Further it has been stated in the report that the authorities had organized sensitization programme to remove any kind of misconception about the eco-friendly project and necessary

awareness programme have already been made known amongst the public that the solid waste management is a programme to turn daily household wastes into an organic fertilizer and recyclable plastic products, which will also reduce the chances of vector borne diseases.

5. In the light of the report submitted by the Block Development Officer, which is taken on record, we find that the apprehension of the writ petitioners is baseless. Therefore, no direction as sought for in the writ petition can be granted except to observe that the authorities upon establishing the solid waste management plant shall ensure that the area is kept clean and the segregation of the garbage is done in a proper manner and also to ensure that the local residents are in not in any manner affected by the establishment of the solid waste management facility. The authority shall continue to sensitize the local public and if need be, a door to door campaign handing over pamphlets as to why the solid waste management plant is being set up can be distributed in the locality so that the public gain confidence and stand duly sensitized about the need for such a project.
6. With the above observations, the writ petition is disposed of.

7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**