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sk/ab
Ct. 15

24.06.2021.

W.P.A. 10625 of 2021

Gautam Saha & Ors.

Vs.

**The Kolkata Municipal Corporation & Ors.
(Via Video Conference)**

Mr. Subhajit Roy

Mr. Debasish Ghosh

... For the Petitioner.

Mr. Ranajit Chatterjee

... For the KMC.

Mr. J. Gantuly

... For the Respondent.

It appears that though there are 8 writ petitioners. Court Fees in respect of only one has been paid. The petitioner has submitted that the names of the other writ petitioners i.e. from the writ petitioner nos. 2 to 8 can be expunged. The matter involves grave urgency.

Therefore, the department is directed to expunge the names of the writ petitioner nos. 2 to 8.

The allegation of the writ petitioner is that in a residential premises some business is being conducted by some persons and they have made respondent no. 6 as a private respondent alleging that it is running the said business.

The respondent no. 6 has submitted that it is not running any such business but althroughout resisted passing of any adverse order against it. The allegation of the petitioner is that the tranquility of the area is being

disturbed by noise and other pollution because of the running of the unit therein in the residential complex. I am prima facie satisfied about the case for the reason that a petitioner will not come without any reason to this Court alleging pollution in a residential area. There is a representation also dated 20.1.2021 to the pollution control board and the Kolkata Municipal Corporation. Some photographs of the industrial unit has also been annexed to the writ application.

After hearing parties, I direct the Kolkata Municipal Corporation who is appearing today through their learned Advocate Mr. Ranajit Chatterjee to close down the industrial unit immediately and forever in the said residential premises and cancel the trade licence and other licence if any issued by the Kolkata Municipal Corporation immediately and to file a report tomorrow at 2 pm.

The local police station being respondent no. 5 is directed to extend all help to the officials of the Kolkata Municipal Corporation so that the unit causing disturbance to the residents of the residential area can be closed today. Learned Advocate for the KMC submits that if there is any cylinder, the police authority be directed to remove all such cylinders and to keep those in place wherever they think it best. I direct the owner of the industrial unit to remove all cylinders etc. from the

premises and on his failure the Police Authority will remove the same and keep it in any suitable place for which all expenses and the storing charges shall be paid by the owner of the said business unit on demand by the Police Authority.

The petitioner is directed to communicate this order to the local police immediately.

(Abhijit Gangopadhyay, J.)