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30.06.2020
(Video Conference)
Kole

**WP 18926 (W) of 2019
With
CAN 3226 of 2020**

**Karunamoyee Samanta
-Vs.-
The State of West Bengal & Ors.**

Mr. Jayanta Samanta, Adv.

.... For the petitioner.

*Mr. Kishore Dutta, Learned A.G.
Mr. Abhratosh Majumdar, Learned A.A.G.
Mr. Debasish Ghosh, Adv.*

... for the State.

The writ petitioner approached this Court by filing this Public Interest Litigation with the grievance that kites are being flown with Chinese manjha/Nylon manjha etc. which pose threat to the pedestrians and motorcyclists particularly who use flyovers for commuting.

We had called for reports from the Commissioner of Police, Kolkata and also from the Commissioner, Department of Environment, Government of West Bengal. Such reports have been filed. We have perused the reports.

It is clear from the aforesaid reports that pursuant to an order passed by the National Green Tribunal, a complete ban has been imposed on the use of Chinese/Nylon/Plastic manjha or thread for kite flying. To this end, a notification dated 20th March, 2020 bearing No. EN/659/3C-05/2020 has been issued by the Department of Environment, Government of West Bengal invoking Section 5 of the Environment Protection Act, 1986 and in compliance with the directions of the National Green Tribunal. Accordingly, the grievance/apprehension of the writ petitioner stands

redressed. We see no reason to keep this writ petition pending. We, however, observe that the notification issued by the State Government shall be strictly adhered to by the administration and will be given full effect.

The order dated 22nd June, 2020 minuted by us is modified by recording that in terms of notification dated 2nd January, 2020, the Commissioner of Police, Kolkata is the Executive Magistrate exercising all magisterial powers in respect of the metropolitan area of Kolkata.

WP No. 18926 (W) of 2020 and CAN 3226 of 2020 are accordingly disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of necessary formalities.

(Thottathil B. Radhakrishnan, CJ.)

(Arijit Banerjee, J.)