

**HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 19823 of 2023

*Purbachal Stadium Corner Co-operative
Housing Society Ltd.*

vs

State of West Bengal and others

For the petitioner	Mr. Gourav Dutta
For the State	Mr. Suman Sengupta Mr. Sanatan Panja
For the Respondent No.2.	Ms. Soumi Guhathakurata Ms. R. Alam
For the Respondent No.6.	Mr. V.N. Dwivedi
For the WBPCB.	Mr. Arjun Roy Mukherjee
Heard on	25.09.2023
Judgment on	25.09.2023

JAY SENGUPTA, J:

A complete copy of the order dated 02.07.20218 passed by the Environmental Engineer, P.G. Cell, West Bengal Pollution Control Board, as filed in Court, is taken on record.

Learned advocate appearing for the petitioner submits as follows. The respondent No.6 is running a school in the locality where the housing complex of the petitioner society is situated. Two sound boxes installed outside the school building created much noise so as to disturb the entire neighbourhood. Moreover, the school had been using a diesel generator, which is not permissible as per the law and the fumes coming out of such generator caused air pollution. An order was passed in this regard by the Pollution Control Board, but the same has not been complied with. Only the sound boxes have been uninstalled from outside the school building.

Learned advocate for the respondent No.6 submits as follows. A complete copy of the order dated 02.07.2018 passed by the Pollution Control Board was not annexed with the writ petition. Only the first page was annexed. From the second page, it could appear that the order was passed on 02.07.2018 when the petitioner was not present before the forum. This order was not communicated as required and the matter was not followed up as directed in the order by the Senior Environmental Engineer, Camac Street Circle Office, WBPCB and the Environmental Engineer, Salt Lake Regional Office, WBPCB. However, after coming to know about the complaint, at present the school authorities have muted the sound boxes. However, for assembly and prayer purposes, the sound boxes

would be required and the school authorities undertake to keep them inside the campus and within the permissible limits. Moreover, from the very beginning the school authorities had been using a Kirloskar made green generator. Therefore, there is no question of fumes coming out towards the residential flats. However, the school authorities are installing an exhaust pipeline so that the smoke from the generator, if any, would go up to a level above the roof of the nearby buildings.

Learned advocate for the State submits that the school authorities have undertaken some corrective measures.

Learned advocate for the Pollution Control Board submits that his client had never asked the school authorities not to use sound boxes. As per stipulation, several sound boxes have to be used within the campus or in the auditorium within the sound limit and the same are not to be used between 10 pm to 6 am, except with special permission.

It appears that the school authorities have already taken corrective measures in respect of the grievances of the petitioner.

It is the petitioner's case that they had been using green generator and are now installing exhaust pipeline so that the fumes, if any, do not come out at the level of the residential buildings.

Moreover, the school authorities shall have to be permitted to use sound boxes for assembly, prayer and other purposes, however, subject to the norms set by the Pollution Control Board and in accordance with law.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]

SG