

Court No. 13

16.09.2020

(SL 3)
(sp/pk)

WPA 1474 of 2020
(Old No. WP 1474 (W) of 2020)

CAN 1 of 2020
(Old No. CAN 4169 of 2020)
CAN 2 of 2020
(Old No. CAN 4170 of 2020)

Uday Karmakar & Anr.
Vs.
State of West Bengal & Ors.

Mr. Anindya Bose,
Mr. Asok Banerjee

... for the petitioners

Mr. Alok Kr. Ghosh,
Mr. Swapan Kr. Debnath

....for the KMC

Considering the urgency pleaded by the petitioners in CAN 4169 of 2020 and CAN 4170 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the applications being CAN 4169 of 2020 and CAN 4170 of 2020 are disposed of.

The petitioners are aggrieved by an order of the Kolkata Municipal Corporation in taking over a public pond called “Azu’s Pukur” adjacent to Subhas Park, Bansdrone, Kolkata for the purpose of construction of a park thereat.

The KMC intends to remove garbage from the said pond and also to construct a park around it with a view to beautify and sanitize the area. A notice was published in the newspaper on March 1, 2016 by the Kolkata Municipal Corporation in this regard and the entire process of taking over the beautification of water bodies appears to have been taken in accordance with

law and in terms of Section 17A of the West Bengal Inland Fisheries Act, 1984.

It is also stated by Mr. Alok Ghosh, learned Senior Advocate for the KMC that the management and control of the water bodies in the KMC area have been taken over by the Corporation in the year 2016 itself.

The petitioners submit that their names are mutated in the records of the Municipal Corporation. There is no document of title shown by the petitioners indicating any right in respect of the said pond.

In those circumstances, the petitioners cannot obstruct the cleaning up of the pond and the beautification of the area and construction of a public park thereat. The petitioners cannot claim any right in respect of the public property.

For the reasons stated herein above, no order can be passed in the instant writ petition.

Accordingly, WPA 1474 of 2020 (Old No. 1474 (W) of 2020) shall stand dismissed.

All parties are to act on a server copy of this order on the usual undertaking.

(Rajasekhar Mantha, J.)