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W.P.A. 2497 of 2020
(Dhananjay Sardar vs. State of West Bengal & Ors.)

Nobody tried to join in on behalf of the parties. However, this being a public interest litigation we have considered the material on record.

The allegation of the petitioner is that the private respondents have made illegal construction on a canal which is meant for draining of water. The construction is obstructing free movement of water which in turn is resulting in flooding of the adjacent villages. A representation dated 2nd January, 2020 has been made by the petitioner addressed to several officers in the administration including the District Magistrate, South 24 Parganas being the sixth respondent herein. The grievance of the petitioner is that no action has been taken on the basis of such representation.

We direct the sixth respondent being the District Magistrate, South 24 Parganas to consider the petitioner's representation dated 2nd January, 2020 (Annexure P-2 to the writ petition) and take an informed decision thereon in accordance with law after giving an opportunity of hearing to the

petitioner, the private respondents and any other persons concerned, within a period of two months from the date of receipt of a copy of this order along with a copy of the writ petition from the petitioner. Needless to say that if the sixth respondent finds merit in the allegation of the petitioner, appropriate action will be taken by the sixth respondent to remedy the situation.

We have not gone into the merits of the matter. The sixth respondent shall take a reasoned decision in accordance with law.

Since we have not called for affidavits, all allegations contained in the writ petition shall be deemed not to have been admitted.

The writ petition being WPA 2497 of 2020 is disposed of.

There shall be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)

