

14.09.2020
Court No. 05
Item No. 10
CP

WPA 6177 of 2020
With
IA NO. CAN/1/2020 (Old NO. CAN 4479
of 2020)

(Via video conference)

Raju Nayak
vs.
State of West Bengal & ors.

Mr. Somnath Gangopadhyay.

.....for the petitioner.

Mr. Alak Ghosh,
Mr. Subhrangsu Panda.

...for the K.M.C.

Mr. Subhabrata Datta,
Mr. Debashis Sarkar.

....for the State.

The petitioner is a resident of Chowbaga, Majhipara, P.S. Anandapur, Kolkata – 700105. According to the petitioner the respondent nos. 13 to 15 were raising a construction on the adjacent plot of land thereby encroaching upon the wetlands which, according to the petitioner, was an offence under the provisions of the East Kolkata Wetlands (Conservation & Management) Act, 2006.

It is the contention of the petitioner that several complaints were lodged with the authorities but no action has yet been taken by the authorities. Hence the writ petition has been filed.

Mr. Subhabrata Datta, learned advocate appearing on behalf of the State, submits that the demand of justice written on behalf of the petitioner was received by the concerned Anandapur Police Station on July 30, 2020. The local police authorities after making an enquiry referred the matter to the authority under the East Kolkata Wetlands Management Authority. It is also submitted on behalf of the police authorities that a close vigilance was being maintained over the area so that no further construction would be carried on. The Chief Technical Officer of the Wetlands Management authority informed the police authorities that the lands in question over which the construction was going on fell within the schedule of wetlands and, as such, the allegations of the petitioner should be looked into. Pursuant to such information, Anandapur Police Station Case No. 243 dated August 11, 2020 under Section 18 of the East Kolkata Wetlands (Conservation & Management) Act, 2006, read with Section 120B of the Indian Penal Code has been started and the investigation is in progress.

Mr. Ghosh appearing for the Kolkata Municipal Corporation, submits that the authorities under the specified statute are the main answering respondents.

As the respondent authorities have already taken steps pursuant to the complaint of the

petitioner, no order is required to be passed in this writ petition. The writ petition is accordingly disposed of with a direction upon the authorities to conclude the investigation expeditiously and reach it to its logical conclusion.

CAN 4479 of 2020 is also disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)