

D/L
Item No.19
19.03.2021
AP/Kole

WPA 382 of 2020

**Paresh Chandra Maity & Ors.
-Vs-
The State of West Bengal & Ors.**

*Mr. Dhiman Ray,
Mr. Dip Chanda,*

...for the petitioners.

*Mr. Jahar Lal Dey
Mr. Debjani Mitra,*

...for the State.

The State is represented.

The writ petitioner claims in this Public Interest Litigation that a substantial portion of land of the village which is by nature agricultural land from where the villagers earn their livelihood are illegally and in an unauthorized manner sought to be converted into fisheries by some local people who are beyond the control of the villagers. Such illegal activities are continuing for a substantial period of time.

It is also submitted that, despite representations no steps have been taken by the fifth respondent or any other competent authority of the State under whose jurisdiction and domain such alleged illegal activities are being carried out.

In view of such submission, this Court finds that justice would be sub-served at present if the fifth respondent is directed to consider the representation of the writ petitioners at page 34 of the writ petition.

In view of the above, the fifth respondent is directed to consider the said representation which is appearing at page 34 to the writ petition being part of Annexure – P2.

Such representation will be considered by giving adequate opportunity of hearing to the authorized representative of the writ petitioners or the writ petitioner no. 1 upon at least seven day's notice of hearing and then the fifth respondent will dispose of such representation with its reasoned decision and communicate the same to the writ petitioner no. 1 forthwith.

The entire exercise as stated above must be carried out and completed on or before 31st May, 2021.

The copy of this writ petition including all annexures along with a copy of this order must be served on the fifth respondent for his consideration forthwith.

Since no affidavit has been filed in this writ petition, the allegations made therein are deemed not to have been admitted by the respondents.

In the light of the above, the present petition being WPA 382 of 2020 stands disposed of.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Thottathil B. Radhakrishnan, CJ.)

(Aniruddha Roy, J.)