

04.03.2021
SL No122
Court No.24
(P.M.)

WPA 2587 of 2021
Kanchan Kumar Sarkar & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Benoy Kr. Das,
Mr. J. Chandra Das
... for the petitioners

Mr. Susovan Sengupta,
Mr. Manas Kumar Sadhu
... for the State

The petitioners allege that for the purpose of implementation of the work relating to Improvement of the Embankments and the ancillary works in Kandi and other adjoining areas of the district of Murshidabad under the supervision of the Irrigation and Waterways Department, Government of West Bengal, the Murshidabad Zilla Parishad is stacking construction materials in the private land of the petitioners. In view of the stacking of the rubbish material in the land of the petitioners, the fertility of the soil is being destroyed. The land has been made absolutely non-cultivable. The petitioners are highly prejudiced as they cannot cultivate the land because of the stacking of the construction materials in the said land. The petitioners are also suffering huge financial losses for not being able to cultivate the said land. The objection filed by the petitioners against the above illegal action of the Zilla Parishad has not been responded.

Learned advocate representing the State respondent submits, upon instruction, that no material has been stacked in the land of the petitioners by the Irrigation Department.

None appears on behalf of the Murshidabad Zilla Parishad despite service. A communication has been annexed in the writ petition bearing memo No. 4651/Eng/MZP dated 21st December, 2020 issued by the Secretary of the Murshidabad Zilla Parishad to the Executive Engineer of the West Bengal State Rural Development Agency whereby the complaint of the petitioners has been forwarded for taking necessary action.

Petitioners submit that no action has been taken by the Executive Engineer of the said Agency.

In view of the above, the instant writ petition is disposed of by directing the respondent No. 4 being the Superintending Engineer, North Circle II to depute a competent person to inspect the site in question and prepare a report in response to the complaint of the petitioners within six weeks from the date of communication of a copy of this order. The said respondent No. 4 shall communicate the inspection report to the petitioners immediately thereafter.

In the event it is found that the allegation of the petitioners regarding the stacking of construction material over their private property in L.R. Dag No. 651, J.L. 30 is correct, then necessary step shall be taken by the said

respondent to undo the illegal action at the earliest, but positively within a period of four weeks from the date of preparation of the report.

WPA 2587 of 2021 stands disposed of.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)