

08.11.2021
Sl. No.34
srm

W.P.A. No. 2956 of 2021

**Sundar Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Somraj Dhar

...for the Petitioner.

Mr. Debjit Mukherjee,
Ms. Rupsha Chakraborty

...for the State-respondents.

Mr. Ayan Mitra

...for the Respondent Nos.7 & 8.

Affidavit of service is taken on record.

The petitioner has alleged that some unauthorised construction has been made by the respondent Nos.7 and 8 on a portion of Dag No.187, J.L. No.25, Mouza-Begri, Police Station-Domjur, District Howrah.

It is contended that the said Dag is a pond and has been classified as a "Doba" in the L.R. record of rights. According to the petitioner, the respondent Nos.7 and 8 have been making pacca construction on the said water body illegally by filling up the same. Objections and complaints have been lodged with different officials and authorities of the State, but to no avail.

The learned Advocate for the respondent Nos.7 and 8 submits that the panchayat authorities had granted permission

for making a pacca construction on Dag No.187. He further submits that in the R.S. record of rights the said Dag has been classified as a “Bastu” and the L.R. record of rights is either manufactured or incorrect. It is further contended that steps have been taken by the respondent Nos.7 and 8 before the appropriate authority for correction of the record of rights.

Be that as it may, the petitioner has the liberty to approach the appropriate authorities under the law with the allegations of illegal filling up of the pond and construction on the Doba.

This Court is not making any observation on the legality of such allegations and the appropriate authorities who have been approached by the petitioners should decide the issues in accordance with law. The Block Development Officer, who is a party to the proceeding shall forward the complaint of the petitioner with regard to such allegations of illegal filling up of pond and construction on the Doba to the appropriate authority and the said authority shall act and proceed on the basis of the complaints in accordance with law.

This writ petition is disposed of with a direction upon the panchayat authorities to enquire and decide whether the alleged construction is unauthorised or not, that is, whether the construction has been made by the respondent Nos.7 and 8 without a plan/permission and/or in deviation of such

plan/permission or in violation of the rules. The panchayat authorities shall give a hearing to the respective parties and pass a reasoned order upon making a physical inspection. Copy of the reasoned order and report shall be supplied to the parties and ultimate steps will be taken in accordance with the provisions of law.

The entire exercise shall be completed within a period of 12 weeks from the date of communication of this order.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)