

W.P.A. 5137 of 2021

Sk. Aminuddin & Ors.

-vs-

State of West Bengal & Ors.

Mr. Indrajit Bhattacharjee

... for the petitioners

Mr. Amitava Mitra

Mr. Samrat Sen

... for the State

Mr. Pinaki Bhattacharyya

... for respondents 6-9

The petitioners complain that the construction has been effected by the private respondents on a portion of land situated and lying at L.R.Dag nos. 541, 542, 543 and 544, Mouza Panchur, District South 24 Parganas, Block Thakurpukur Maheshtala.

It is submitted by the counsel for the private respondents that the property is owned by his clients for substantial period of time, prior to 2019, when the petitioner, for the first time raised an issue that the land in question is a pond.

The counsel for the State submits that while it is true that the land was identified as pond, it was never treated as such by any of the parties. There was no water or water body found in the recent past.

Counsel for the petitioner submits that since after the filing of the writ petition, his client has been receiving communications afresh from the Chairman of the Maheshtala Municipality.

In that view of the matter, the Chairman of the Maheshtala Municipality, in consultation with the local BL & LRO shall,

after giving due hearing to the writ petitioner and the private respondents, pass an appropriate order, keeping in view, the observations of a Coordinate Bench dated 12/01/2021 in WP No. 4254 (W) of 2020 and the report considered by the Court in such matter.

It is expected that a suitable decision is communicated to the parties by the Chairman of Maheshtala Municipality, after giving due hearing to all parties and after passing a reasoned order, preferably within two months from the date of communication of the copy of this order.

The writ petition being W.P.A. 5137 of 2021 is, accordingly, disposed of.

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

(Rajasekhar Mantha, J.)

