

**W.P.A. 8536 of 2021**

**(Through Video Conference)**

**RENUKA MONDAL**

**VS.**

**THE STATE OF WEST BENGAL & ORS.**

**Mr. Tanmoy Mukherjee**

**Mr. Emon Bhattacharya**

**Ms. Pooja Sah**

**...for the petitioner**

**Mr. Achinta Banerjee**

**Ms. Tanusree Dasgupta**

**Mr. Amit Chowdhury**

**..for the KMC**

**Mr. Himadri Sekhar Chakraborty**

**Mr. K.M. Hossain**

**..for the State**

The petitioner has alleged unauthorized construction on Dag No.89, Mouza Garden Reach, Police Station Nadial, within the local limits of Kolkata Municipal Corporation. It is submitted that the said Dag No.89 has been classified as a 'Doba' in the record of rights.

The petitioner prays that the Kolkata Municipal Corporation be directed to consider the representation. The representation dated February 18, 2021 is addressed to the Principal Secretary, Department of Fisheries, West Bengal. A copy of the same has been marked to the Commissioner, Kolkata Municipal Corporation.

A report has been filed by the police authorities

of Nadial Police Station, which reflects that a boundary wall has been erected on a low-lying land. The police authorities have been able to identify the same as a water body. The police authorities have also written to the Executive Engineer(c), Enforcement Heritage Department, Kolkata Municipal Corporation.

It appears that the Kolkata Municipal Corporation has also undertaken an inspection as submitted by Mr. Banerjee, and has found that there is a boundary wall surrounding the said land.

Under such circumstances, this writ petition is disposed of granting liberty to the petitioner to approach the competent authority in the Department of Fisheries, West Bengal for appropriate action on the allegations of construction of a boundary wall allegedly over a water body. The petitioner is also at liberty to approach the appropriate authority of the Kolkata Municipal Corporation against such unauthorized construction.

If such representations are made to the different authorities then the same shall be disposed of by such authorities separately, in accordance with law upon allowing the petitioner as also the respondent no.7, an opportunity of hearing. The parties shall be allowed to adduce oral and documentary evidence in support of the respective claims.

The entire exercise shall be completed by the

respective parties within a period of six weeks from the receipt of the representations of the petitioner.

The authorities shall also be at liberty to make an inspection of the area in question in presence of all the interested parties, before coming to a conclusion. A reasoned order shall be passed and communicated to all concerned. If the competent authority finds that there has been unauthorized construction, the competent authority shall be at liberty to proceed in accordance with law.

This writ petition is disposed of.

There will be however no order as to costs.

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

*(Shampa Sarkar, J.)*