

08-09-2021
ct no. 13
Sl.4
sp

WPA 12535 of 2021
Basudev Naskar & Anr.
-Versus-

The State of West Bengal & Ors.
(Via Video Conference)

Mr. Rajib Kumar Basu
...for the petitioners

Mr. Ansar Mandal, Id. A.G.P.,
Ms. Sipra Mazumdar,
Mr. Sougata Mitra
....for the State

Mr. Mahim Sasmal
....for the respondent no.6

Ms. Susmita Saha Dutta,
Mr. Niladri Saha
....for the respondent nos. 9 to 13

The dispute is with regard to a canal, which is also used for the purpose of draining excess water and to allow it to pass by in and around Dag Nos. 1125 to 1230 in the Manmoithonagar area, Gosaba, 24-Parganas (South).

The petitioner submits that water from the canal is entering into his lands and destroying crops. He is therefore filling up the canal that is flowing next to his land.

The Pradhan of the Bipradaspar Gram Panchayet submits that the canal has been existing for a substantial period of time and serves the purpose of draining out the excess water from the area. It is further submitted by the Pradhan

that the petitioner is illegally filling up the said canal as a consequence whereof, water is not flowing freely to the canal leading to floods and overflow in the canal. Such overflow is effecting other ponds pisciculture and other agricultural activities in the area.

Disputes and differences are stated to have arisen primarily since the year 2012 when the petitioner obtained patta.

In that view of the matter, the B.D.O., Gosaba, 24-Parganas (South) shall, in consultation with the Chief Irrigation Officer, Gosaba Area, hear out the petitioner, the Pradhan of the Bipradaspar Gram Panchayet and the private respondents, on the disputes between the parties.

The parties and/or their legal representatives may be heard.

The B.D.O., Gosaba, 24-Parganas (South) shall be entitled to receive documents that may be submitted by the respective parties.

The B.D.O. shall also, if necessary, call for the records from the Office of the B.L. and L.R.O. and take a suitable decision on the issue as to whether the water from the canal is affecting the petitioner and/or whether free flow in the canal is being restricted by reason of any acts and omissions of the petitioner and any other remedial

measures may be suggested and ordered by the B.D.O.

In the event of any clarification and/or doubt in the mind of the B.D.O., the District Magistrate, South 24-Parganas may be consulted and suitable orders may be passed by the B.D.O. thereafter.

In view of the aforesaid order and the submissions made by Mr. Mahim Sasmal, learned counsel on behalf of the Pradhan, the necessity of any further report from the State is not required. It is expected that the B.D.O. shall conduct hearing and dispose of the matter within a period of two months from date mandatorily and positively.

The Officer-in-Charge, Gosaba Police Station shall ensure that there is no breach of peace in the area.

With the aforesaid directions, WPA 12535 of 2021 is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)