

14.09.2021
Ct. No.13
Sl. No.131
akd

W.P.A. 12985 of 2021 [via video conference]

[Bishnupada Jana -Vs- The State of West Bengal & Ors.]

Mr. Sabir Ahmed
Mr. Biswajit Manna
Mr. Mujifar Ali Naskar
... .. for the petitioners

Mr. Soumya Basu Roy Chowdhuri
... .. for respondent no.8

Mr. Soumik Ganguly
Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu
Mr. Avik Kr. Sadhu
... .. for respondent no.9

Mr. Subhabrata Datta
Mr. Banibrata Datta
... .. for the State

The writ petitioner complains that the private respondent no.9 has constructed and erected certain concrete pillars in the village drain/nasikhal near Dakshin Fatehpur.

The SDO has specifically stated that construction of concrete pillars has been effected by the Respondent No.9 on government land. It has also been stated by the SDO that the village drain has been blocked by the private respondent by filling it with earth.

Learned counsel for the private respondent no.9 submits that the concrete pillars have been erected on his own land. This submission is supported by the learned counsel for the State.

Admittedly, the entire land of the petitioner as well as the private respondent no.9 or a substantial portion thereof belongs to the Irrigation Department of the State.

In that view of the matter, the SDO, Contai Irrigation Sub-Division and/or the Executive Engineer, Contai Irrigation Division under the supervision of the District Magistrate, Purba Midnapore shall forthwith and immediately upon receipt of notice of this order remove all construction, occupation and obstruction on any land belonging to the Irrigation Department.

Needless to mention that the aforesaid order of removal shall cover any construction, whether permanent or semi-permanent in nature, either by the writ petitioner or by the private respondent no.9. The possession of the said land shall be exclusively retained by the Irrigation Department. The free flow of water in and out of the area through the nasikhal to any other larger canal shall be ensured by the Irrigation Department.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)