

S/L 17
22.11.2021
Court. No. 19
GB

W.P.A. 22166 of 2019

Sri Kali Pada Patra
Vs.
The State of West Bengal & Ors.

*Mr. Dhiman Ray,
Mr. Dip Chanda.*

...for the Petitioner.

Mr. Tapas Kr. Adhikari.

...for the State.

Mr. Ambar Nath Banerjee.

...for the Respondent No.6.

Affidavit-of-service filed in Court today be kept with
the record.

The petitioner has alleged that the respondent no.6
has constructed an embankment on a portion of a water body
(Doba) situated at Dag No.724, J.L. No.69, Mouza – Paschim
Panikhya, P.S. – Khejuri, District – Purba Medinipur.

Mr. Banerjee, learned advocate appearing on behalf of
the respondent no.6 submits that the petitioner and his
brother are the recorded owners of over 3 decimals of the
'Doba', whereas the respondent no.6 is the owner of 15
decimals. It is submitted that the portion of the 'Doba' over
which the petitioner and his brother have their shares, have
been filled up illegally and the user has been converted
without any permission from the appropriate authority. Such
contention is strongly denied by the petitioner.

On the other hand, the petitioner submits that the embankment is causing overflow of the 'Doba' as a result of which the house of the petitioner remains inundated.

Having considered the rival contentions of the parties, this Court finds that these disputed questions of fact cannot be ascertained and adjudicated in this proceeding. The petitioner is granted liberty to approach the Block Development Officer, Khejuri – II Block. If such complaint is lodged, the concerned authority shall dispose of the same in accordance with law upon hearing the petitioner as also the respondent no.6. As it is submitted by the petitioner that the share of the brother has also been purchased by the petitioner, no separate notice of hearing is required to be issued upon the brother of the petitioner.

Upon hearing the parties and considering the documents in support of their contentions, a reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of eight weeks from receipt of the complaint of the petitioner. Needless to mention that the said authority shall hold a spot inspection in presence of the parties and further compare the said area along with the mouza map and the land records available in the office of the BL&LRO. Whether any embankment is permissible will be decided in the proceeding and the grievance of filling up of the water body shall be looked into and steps may be taken by referring the matter to

the appropriate authority if any illegal filling up of the pond is detected.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)