

December 20, 2021
Item No.28
Court No.1
SG/s.biswas

WPA 29405 of 2017

Kazi Saidul Islam and others
vs.
The State of West Bengal and others

(Through Video Conference)

Mr. Sanajit Kumar Ghosh,
Mr. Raja Ghosh, Advocates

... for the petitioners

Mr. Jahar Lal De,
Ms. Smita Das Dey, Advocates

... for the State

This petition has been filed with an allegation that the private respondents are filling up the pond namely 'Tipigorey' at the west end of Rasikpur Mosque and beside the road in front of the house of Janab Kazem Ali in Rasikpur Mahalla Ward No.3 under the Bardhaman Municipality.

Submission of leaned counsel for the petitioners is that the petition was filed in the year 2017 and thereafter on a part of the pond illegal construction has already been raised. Therefore, a direction be issued to the respondent No.5, District Magistrate, Purba Bardhaman to enquire into the complaint and remove the illegal construction.

Submission of learned counsel for the State is that the respondent No.10, Chairman, Bardhaman Municipality is also the competent authority to look into such grievance.

Having regard to the above and considering the fact that there is an allegation of illegal filling up of pond and

raising of unauthorized construction thereof, we are of the opinion that the matter needs to be enquired into.

Hence, we dispose of the petition by directing respondent No.5, District Magistrate, Purba Bardhaman to duly consider the representation of the petitioners dated 16.10.2017 and make an enquiry in accordance with law. During the course of enquiry, respondent No.2 may also take into confidence of respondent No.10, Chairman, Bardhaman Municipality and give an opportunity of hearing to all the concerned parties and if in the enquiry it is found that the unauthorized filling up of pond has been done and illegal construction has been raised then the respondent No.5 in co-operation with respondent No.10 will take appropriate steps to remove the said illegal construction and for restoration of the pond to its original position.

Let this exercise be completed by respondent No.5 within a period of three months from the date of receipt of the copy of this order.

The petitioners are directed to submit a copy of the complete set of petition along with a copy of this order to the respondent No.5.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]