

Item No.114

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

18.03.2021
Ct-24

W.P.A.11035 of 2020
Sanatan Shaw & Ors.

v

The State of West Bengal & Ors.

Mr. Debabrata Acharya
Mr. Kalyan Kumar Bhattacharjee
... for the petitioners.

Mr. Bipin Ghosh
... for the State.

Mr. Pradip Mondal
... for the private respondents.

The petitioners have prayed for a direction upon the Sub-Divisional Officer, Raidighi Irrigation Sub-Division and the Executive Engineer, Jainagar Irrigation Division to take steps to repair and clear the channel of the sluice gate over Plot No. 4214, Khatian No. 2346, Dighirpar under Bakultala Gram Panchayat.

In terms of the direction of the Court the Executive Engineer-II, Jaynagar Irrigation Division has filed a report before this Court dated December 30, 2020 wherefrom it appears that the operation of the sluice gate in question is maintained by the local people who are the actual beneficiaries of that area. The report

further mentions that the local people in that area constructed a sluice gate in the year 1996 and that sluice gate exists on the river embankment of the irrigation department on the river Sutarbag at Jumar Gheri within the block Mathurapur-II, Raidighi Police Station at their own cost to control the water flow of that locality.

It has also been mentioned as per the demand of the local people, cultivators and local representatives the Irrigation Department took steps for construction of a new sluice gate in the area in the year 2015 but due to agitation of the land owner the scheme was cancelled.

The learned advocate appearing on behalf of the private respondents submits, upon instruction, that a civil suit in respect of the said plot of land involving the sluice gate is pending consideration before the learned First Civil Court (Junior Division), Diamond Harbour being T.S. No.150 of 20915. Some of the petitioners are already defendants in the pending title suit. An order of injunction has also been passed in the said civil suit on January 8, 2016 and the same is still in force.

It appears that there are several disputed questions of fact involved in the writ petition which cannot be decided by the writ Court. Accordingly, the parties are relegated to the appropriate Court for redressal of their grievances, if so advised.

WPA 11035 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)