

27/05/2021
Item No.1/JCB
Court No.19.
AB

Through Video Conference

W.P.A. 1057 of 2021

Mohurgong & Gulma Tea Estates & Anr.

Vs

The State of West Bengal & Others

Mr. Ishan Saha,
Mr. Sananda Ganguly ...for the Petitioners.

The learned Advocate for the petitioners is present.

None appears for the respondents.

It has been submitted by the learned Advocate for the petitioners that the respondents have been duly served.

The writ petitioners claim to be operating a Tea Estate under the name and style Mohurgong & Gulma Tea Estate. The writ petitioners claim that the property of the Tea Estate is L.R. Plot No.32, J. L. No.83 (LR), Khatian No. 414 under Kalut Mouza in the district of Darjeeling. The writ petitioners say that Noudoba river is flowing through the Tea Estate.

The writ petitioners allege that due to unauthorized construction activities carried on by various persons on the bank of the said river, the natural course of the said river has been narrowed

down resulting in flooding of large portions of the Tea Garden during the monsoon season.

The petitioners claim to have made a representation before the Inspector in Charge, Pradhannagar Police Station requesting him to take necessary steps on the basis of the representation dated February 19, 2021.

The learned Advocate for the petitioners further relies upon an Order dated 16.04.2021 passed by the Hon'ble Division Bench in WPA (P) 32 of 2021 (*Uttam Kumar Paul Vs The State of West Bengal & Others*) and submits that the Hon'ble Division Bench passed an order of injunction restraining any construction activity on the lands, which are river banks. He further submits that by the said order various authorities including the Superintendent of Police and the Police Officers under the command of the Superintendent of Police in every district were directed to enforce the said order.

The grievance of the petitioners is that in spite of the fact that the writ petitioners have made a specific complaint to the Inspector in Charge of Pradhannagar Police Station in this regard, the concerned Inspector in Charge is sitting tight over the matter and has not taken any step in this regard.

After hearing the learned Advocate for the petitioners and upon perusing the materials on record,

WPA No.1057 of 2021 is disposed of by directing the Inspector in Charge, Pradhannagar Police Station to consider the representation dated 19.02.2021 made by the petitioners and take necessary steps in this regard in accordance with law within a period of four weeks from the date of communication of this order.

The petitioners are directed to communicate this order to the Inspector in Charge, Pradhannagar Police Station forthwith.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Hiranmay Bhattacharyya, J.)