

April 4, 2022
Court No.1.
AD-40
SG

*WPA(P) 30 of 2022
with
CAN 1 of 2022*

*Susanta Dalai
-versus-
The State of West Bengal and others*

Mr. Samiran Mandal,
Mr. Somen Bose, Advocates
... for the petitioner.

Mr. Jahar Lal De,
Ms. Smita Das Dey, Advocates
... for the State.

Mr. Abhinaba Dan, Advocate
... for the added respondent.

The allegation in this petition is that in the district of Bankura under Raipur and Sarenga Block adjacent to the villages Bamundiha, Lalbazar, Gobadha, Tikarpara and other villages Kangshabati River is flowing and by obstructing the natural flow of that river at Mouza Bamundiha, JL No.358, Dag No.536 measuring an area 13.18 acres out of total 21.44 acres classified as river, the respondent authorities are constructing a stadium over the river-bed without taking permission of the Pollution Control Board and such a construction will obstruct the natural flow of the river and in the result the entire area of the village will get flooded.

A prayer has been made to stop the said illegal construction of the stadium over the river-bed.

Learned counsel for the petitioner has referred to the work order dated 27.05.2020 annexure P-3 which relates to the materials supply for construction of play field with open stadium at Bamundiha Mouza, JL No.358, Plot No.536 under Gargaria GP under Sarenga PS.

Though the report in the form of affidavit has been filed at the instance of respondent No.6 stating that no construction work is undertaken on any of the LR Plot Nos.536, 1/541 and 536/697 but learned counsel for the State is not in a position to explain the work order which has already been issued. He has referred to paragraph 11 of the report stating that there is no construction made or going on in plot No.536.

Paragraph 10 of the report states that no inter departmental transfer has been given either in plot No.536 or in plot No.536/697 by Land and Land Reforms Refugee Relief and Rehabilitation Department and no possession has been handed over to any department in the said plots.

It is submitted by learned counsel for the State that if any unauthorised construction is being taken by any authority on the river-bed or on any area without authority of law then the same will be duly removed. He has also stated that this aspect can be duly looked into by respondent No.2, District Magistrate, Bankura.

Hence, we dispose of the present petition permitting the petitioner to file an appropriate detailed representation along with relevant documents before respondent No.2. On receipt of such a representation respondent No.2 will

duly hear all the concerned parties including the applicant in CAN 1 of 2022 and will ascertain if any unauthorised construction is being taken at the place in question and if any unauthorised construction is found then immediate steps will be taken to remove the same.

Let this exercise be completed by respondent No.2 within a period of 3 months from the date of representation.

WPA(P) 30 of 2022 along with CAN 1 of 2022 is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)