23.02.2022
Sl. No.15
srm

W.P.A. No. 1323 of 2022
With
CAN 1 of 2022

Sandhya Sardar

Versus

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Debabrata Mondal
…for the Petitioner.

Mr. Malay Kumar Singh,
Mr. Sayak Chakraborty
…for the State-respondents.

Mr. Falguni Bandyopadhyay
…for the Respondent Nos.10 to 13.

Affidavit of service is taken on record.

The petitioner alleges that a construction is going on at Plot No.1463, J.L. No.6 under Mouza-Dharmatala, Police Station-Kolkata Leather Complex, District-South 24-Parganas, without appropriate permission from the East Kolkata Wetlands Management Authority (hereinafter referred to as the said Authority).

The petitioner relies on a communication from the Technical Officer of the said Authority dated December 21, 2021 by which the Inspector-in-Charge, Kolkata Leather Complex Police Station, was requested to enquire into the matter on the basis of the complaint of the petitioner. It has

been specifically mentioned in the said communication that the entire area under J.L. No.6 falls within the jurisdiction of the said Authority and except with the sanction from the said Authority under Section 9 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 (hereinafter referred to as the said Act), no construction of permanent nature, could be made. The petitioner, thus, bases his entire claim for demolition of the construction made by the respondent Nos.10 to 13 on the basis of such communication.

Records reveal that the panchayat authorities had granted due permission to the respondent Nos.10 to 13 to raise the construction. The panchayat authorities are not present before the Court despite service. The police authorities have filed a report indicating the on the basis of the communication of the Technical Officer, Kolkata Leather Complex Police Station Case No.07 dated January 29, 2022 under Section 18 of the said Act, has been registered and the investigation is in progress.

As the police authorities have already acted on the basis of the communication of the Technical Officer of the said Authority, it is directed that no further construction shall take place for a period of 10 (ten) days. Within such time, the competent authority of the East Kolkata Wetlands

Management Authority shall dispose of the complaint of the petitioner, which is annexure P2 at page 18 of the writ petition, in accordance with law upon hearing the petitioner, representative of the respondent Nos.10 to 13 and all other interested parties including the Pradhan of Beonta Gram Panchayat, District-South 24-Parganas. A reasoned order shall be passed and communicated to all concerned.

It is made clear that the authority will only decide as to whether the construction by the petitioner as well as the respondents Nos. 10 to 13 were in accordance with law. The same law shall apply to all.

The question of validity of the sanction plan will come into question, only when the said Authority decides that the construction made by the respondent Nos.10 to 13 were not permissible in law.

This writ petition is, thus, disposed of.

In view of disposal of the writ petition the connected application has become infructuous and the same is disposed of accordingly.

There will be no order as to costs.

The petitioner shall serve a copy of the writ petition along with a server copy of this order to the office of the East Kolkata Wetlands Management Authority, 5th Floor,

LB-2, Sector-II, Salt Lake, Kolkata-700106, within February 25, 2022.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)