

24.02.2022
Court No.13
Item No.9
sp

WPA 1725 of 2022

Md. Jarif Ali

Vs.

The State of West Bengal & Ors.

(Through Video Conference)

Mr. Rafiqul Islam,
Mr. Tapas Kumar Dey

... for the petitioner.

Mr. Subhabrata Datta,
Mr. Abdus Salam

...for the State

Ms. Soma Mal

....for the respondent no. 8

The writ petitioner is aggrieved by an undated notice issued by the Kaliachak Police Station preventing any fishing in a particular 'Jalkar'.

Counsel for the State submits instructions of the Inspector-in-Charge, Kaliachak Police Station, Malda. It appears from the instructions that the petitioner's lease had expired in the year 2018. The petitioner claims that he had deposited lease rent for a further period of three years. There is no document on record indicating that the lease is formally extended until the year 2021.

The petitioner also claims that for the period during which the pandemic was on, he could not cultivate any fish.

This Court sees gross inconsistency and deliberate and wilful dishonesty in filing the instant proceedings. There is no evidence that the lease has been formally extended beyond the year 2018. There is also no evidence

to indicate that the petitioner lost any rights during the pandemic.

Hence, the writ petition, in gross suppression of material facts and the statements thereof, is liable to be dismissed with exemplary cost. The petitioner shall pay costs assessed at Rs. 11,000/- to the Kaliachak Police Station.

The Officer-in-Charge, Kaliachak Police Station, Malda shall be entitled to collect the same against the official Government receipt from the petitioner.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)