

April 19, 2022
ARDR
(71)

WPA 2404 of 2022

Angshuman Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee,
...for the petitioner.
Mr. Rwitendra Banerjee,
Mr. Shibasis Chatterjee,
...for the respondent nos. 9 & 10.
Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
...for the State.

It is contended on behalf of the petitioner that a portion of the waterbody owned by the petitioner is being filled up by the private respondents illegally. The petitioner submitted a representation in this regard before the concerned authority on 17th January, 2022 which is yet to be disposed of. The petitioner prays for a direction upon the authority to consider the representation at the earliest. It is further pointed out that in terms of the notification being No.1815-Fixh/C-1/9R-7/84-III dated 5th August, 1994, the Block Development Officer-in-charge of the Block is the competent authority under Section 17A of the West Bengal Inland Fisheries Act, 1984.

It is submitted on behalf of the private respondents that the private respondents may be given an opportunity to place their case before the competent authority at the time of hearing.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation filed by the petitioner dated 17th January, 2022 within a period of one month from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents in accordance with law. The decision taken by the authority shall be communicated to the parties within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the parties shall be at liberty to place their respective contentions before the authority at the time of hearing.

With the above directions, WPA 2404 of 2022 is disposed of. There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)