

Sl. No.18
20.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 2734 of 2022

Majet Mondal & Anr.
Versus
The State of West Bengal & Ors.

Mr. Sayan Chattopadhyay
Mr. Kaustav Sen

... for the Petitioners

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey

... for the Bidhannagar Municipal Corporation

The petitioner complains of illegal filling up of water body.

It appears that on receipt of a complaint the Bidhannagar Municipal Corporation has taken steps to identify and demarcate the property where the unauthorised filling up was going on.

The Executive Engineer of the Bidhannagar Municipal Corporation has requested the Block Land and Land Reforms Officer, Rajarhat, North 24 Parganas, to do the needful so that the plot in question may be verified and demarcated.

It appears from the notification dated 20th July, 2017 published in the Kolkata Gazette Extraordinary on 26th December, 2017 that in exercise of the power conferred by Clause (ii) of Section 2 of the West Bengal

Inland Fisheries Act, 1984, as amended, and in supersession of all the previous notifications the Governor authorised the Municipal Commissioner as the competent authority to take steps in the matter.

Accordingly, the present writ petition is disposed of by directing the respondent no.4, being the Commissioner, Bidhannagar Municipal Corporation, to take a decision with regard to the allegation of illegal filling up of water body. Spot inspection shall be made to ascertain the manner in which the water body has been filled up and steps shall be taken to restore the water body to its previous condition. The Municipal Commissioner shall act strictly in accordance with provision of law for the purpose of identification, demarcation and restoration of the water body.

The aforesaid respondent shall take steps in the matter in the light of the order passed hereinabove at the earliest, but positively within a period of six months from the date of communication of this order.

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)