

21 25.04.2022

gd/ssd

WPA(P)/103/2022
GOLAM RASUL KHAN
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Pratip Mukherjee,
Mr. Vivek Kumar Tripathi
..for the Petitioner.

Mr. Jahar Lal De,
Mr. Abdus Salam
..for the State.

Mr. Ashok Kumar Jena,
Sk. Omar Sariff
..for the Respondent Nos.8 to 11.

The allegation in this petition is that L.R. Dag No.305 under Khatian No.2073 measuring 2 decimal is a Doba land, which is being illegally filled up by the private respondents and other persons.

Though the petitioner is said to be the co-owner of the land but the submission of learned counsel for the petitioner is that if the Doba land is filled up, then public interest would be adversely affected.

The submission of learned counsel for the State is that the grievance of the petitioner can be duly looked into by the respondent no.2 i.e. District Magistrate, Hooghly Ghatakpara.

The record reflects that the petitioner has already filed representation dated 16th December, 2021 to the respondent no.2 i.e. District Magistrate, Hooghly

Ghatakpara but the said representation has not been decided till now.

The respondent no.2 is required to consider the grievance raised by the petitioner in the said representation after giving an opportunity to all the concerned parties.

Hence, we dispose of the present petition directing the respondent no.2 to take an appropriate decision in accordance with law on the petitioner's pending representation dated 16th December, 2021 as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order.

It is made clear that the District Magistrate will take all possible measures to ensure that the land in question, if found to be a water body, is not illegally filled up by any of the parties and if the water body is found to be illegally filled up, then the concerned party will be directed to restore to its original position in accordance with law.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

