

June 6, 2022
Serial No.16
Court No.1
SG

WPA(P) 156 of 2022

Asit Ghosh and another
vs.
The State of West Bengal and others

Mr. Srikanta Paul,
Ms. Suchana Banerjee, Advocates
... for the petitioners

Mr. Sandip Kumar Bhattacharyya,
Mr. Suman Basu, Advocates
... for the respondent No.8

Mr. Mahammad Mahmud,
Mr. M.S. Mollah,
Mr. Imtiaz Alam, Advocates
... for the private respondent

In this petition, the allegation has been made that on account of unauthorised construction on plot Nos.1674, 1656 and 1675, the flow of the canal is being obstructed.

Submission of learned counsel for petitioners is that plot No.1674, JL No.50 of Mouza Amnan under Polba Police Station is used as a canal/drainage of water for irrigation purpose since long but the same has not been cleaned or excavated and that so far as plot Nos.1656 and 1675 are concerned, private respondent i.e. respondent No.10 is owner thereof who has illegally occupied and encroached upon most of the portion of plot No.1674 and filled up the land illegally, as a result of which water is completely blocked.

This allegation has been denied by learned counsel for private respondent.

On perusal of the record, it is noticed that a detailed representation in the form of legal notice dated

31.08.2021 has already been sent to respondent No.2, the District Magistrate, Hooghly. The issue which has been raised in this petition requires factual inquiry and ascertainment of the true position on the spot, which can more appropriately be done by respondent No.2.

Hence, we deem it proper to dispose of the present petition directing respondent No.2 to duly consider the grievance raised by petitioners in the representation dated 31.08.2021 and to cause the spot inspection, if required and take an appropriate decision in accordance with law after giving opportunity of hearing to all the concerned affected parties.

Needless to say that if respondent No.2 finds any illegal construction or encroachment on the spot in question, then he will take immediate action in accordance with law.

Let this exercise be completed within a period of 3 months from the date of receipt of a copy of this order.

Accordingly, the petition is disposed of.

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

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]