

Sl. No.139
(Monthly List)
18.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8360 of 2021

Arati Ghosh & Ors.
Versus
State of West Bengal & Ors.

Mr. Amitava Pain
Mr. Sanjoy Bhattacharya
Mr. Sandipan Maity
... for the petitioner
Mr. Alok Kumar Ghosh
Mrs. Sima Chakraborty
... for the Kolkata Municipal Corporation

The petitioners complain of unauthorized construction over a water body under East Kolkata Wetlands. The property where construction is alleged to have been made is Dag No.502, Khatian No.225, Mouza-Nonadanga, J. L. No.10, Tiljala, South 24 Parganas.

The predecessor-in-interest of the petitioners approached this Court on an earlier occasion by filing W.P No.605 (W) of 2012 with the same allegation of making unauthorised construction over the wetland in question.

The said writ petition was disposed of on 25th January, 2012 by granting liberty to the petitioner to file representation ventilating his grievances before the

Chief Technical Officer, East Kolkata Wetland Management Authority, Department of Environment, who was directed to consider the said representation within a specified time period after causing an inspection of the site and by passing a reasoned order.

Learned advocate for the petitioners submits that after death of the predecessor-in-interest, the representation which was made could not be traced out. It has been submitted that the petitioners are not aware of any order passed by the Chief Technical Officer, East Kolkata Wetland Management Authority in respect of the said unauthorised construction over the wetland. Leave has been sought for to make fresh representation before the aforesaid authority.

None appears on behalf of the East Kolkata Wetland Management Authority.

Learned advocate for the Kolkata Municipal Corporation submits that even though there is allegation of unauthorised construction over the said plot of land, person responsible for making such construction has not been impleaded as party respondent.

It has further been submitted that neither the holding number nor premises number of the property where construction is being made is disclosed in the writ petition. With the dag number and khatian number, it is not possible for the Corporation to identify

plot of land for ascertaining whether any unauthorised construction is being made thereon.

In view of the above, the present writ petition is disposed of by granting liberty to the petitioners to file fresh representation before the Chief Technical Officer, East Kolkata Wetland Management Authority, highlighting their grievances.

In the event such a representation is made, the same shall be considered and disposed of by the aforesaid authority strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioners and all other necessary parties at the earliest, but positively within a period of four months from the date of filing said representation.

The aforesaid authority shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The writ petition stands disposed of.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)