

27.06.2022
Item No.93.
Court No.6.
AB

**M.A.T. 627 of 2022
With
IA CAN 1 of 2022**

**Burdwan Renaissance Township Allottees' Welfare
Association
Vs
The State of West Bengal & Anr.**

Mr. Debasish Banerjee,
Mr. S. Naskar ...for the Appellant.

Mr. Saptangshu Basu, Sr. Adv,
Mr. Amit Kumar Nag,
Mr. Swarajit Deyfor the Private Respondents.

Mr. Anirban Ray, Id. GP,
Md. T. M. Siddiqui,
Mr. D. Ghosh,
Mr. D. Sahufor the State.

Ms. Sanchari Chakraborty,
Ms. Akanksha Chowdhury
.....for the Respondent No.7.

By consent of the parties, the appeal and the application are taken up for hearing together.

The writ petitioner has come up in appeal against an order dated March 8, 2022, whereby the learned Single Judge refused to grant interim protection, as prayed for by the writ petitioner.

The allegation of the writ petitioner was that the respondents are filling up water-bodies indiscriminately and illegally and they should be restrained from doing so. This, the respondents are doing in connection with a housing project.

The learned Judge directed exchange of affidavits. The learned Judge also recorded the submission made on behalf of the respondents that at the end of the project, the water-body shall be in excess of the water-body that exists now and this would also be reflected in the development plan pertaining to the project in question. It was also recorded that the respondents are in the process of creating additional water-bodies in terms of the original master plan.

We are not inclined to interfere at this stage and we are of the view that the matter should be decided before the learned Single Judge after exchange of affidavits.

Let affidavit-in-opposition in the writ petition be filed by July 11, 2022. Reply, if any, thereto be filed by July 18, 2022. The parties may approach the learned Single Judge with a prayer for early hearing to the extent the business of the Court may permit.

We have not gone into the merits of the case at all.

Since we have not called for affidavits, the allegations in the stay application are deemed not to be admitted by the respondents.

MAT No.627 of 2022 stands disposed of along with IA CAN 1 of 2022.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)