

**Sl. No. 25**  
**29.08.2022**

Court No.24  
B.M.

**In The High Court At Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**WPA 7300 of 2022**

**Tapan Kumar Som**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Rwitendra Banerjee  
Mr. Shibasis Chatterjee  
... for the petitioner

Mr. Prasanta Kumar Giri  
Mr. Benazir Ahmed  
... for the State

Mr. Atanu Banerjee  
... for the private respondent no.8  
Mr. Arindam Das  
Ms. Rumeli Sarkar  
... for Berhampore Municipality

The petitioner is aggrieved by the stop work notice issued by the Chairperson, Berhampore Municipality on 27<sup>th</sup> November, 2021 for filling up the Pond/Pukur in Dag No.573, Mouza-Madhupur, Police Station –Berhampore, District-Murshidabad.

According to the petitioner, the pond was being filled up pursuant to the order passed by the Appellate Authority and the Commissioner, Malda Division, Malda on 15<sup>th</sup> October, 2020.

The petitioner intimated the Municipality about the permission issued in his favour for change in use and character of land under Section 4C of the West Bengal Land Reforms Act, 1955. According to the

petitioner, compensatory water body in LR Plot No.64/1013 has already been created.

The stop work notice has been issued in response to a complaint filed by the respondent nos.8 to 14.

Learned advocate representing the respondent no.8 submits that the order of the Commissioner, Malda Division and the order of the Collector under 4C (2) of the West Bengal Land Reforms Act, 1955 and the Additional District Magistrate and District Land & Land Reforms Officer, Murshidabad, is bad in law.

A Public Interest Litigation challenging the filling up of the pond in question is already pending before the Hon'ble Division Bench of this Court being WPA(P) 325 of 2021(Pankaj Kumar Majumder & Ors. vs. State of West Bengal & Ors.).

The parties have already filed their pleadings before the Hon'ble Division Bench and the matter is due to be taken up for hearing shortly.

In view of the above, the instant writ petition is disposed of by observing that the impugned order to stop work dated 27<sup>th</sup> November, 2021 shall abide by the order passed in the pending Public Interest Litigation.

The writ petition stands disposed of.

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

**( Amrita Sinha, J.)**