

27 02.05.2022

gd/ssd

WPA(P)/190/2022
BHARAT KUMAR JHAWAR
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Anindya Lahiri,
Ms. Pranati Das
..for the Petitioner

Mr. Amitesh Banerjee,
Mr. Jahar lal De,
Mr. Rudranil De
..for the State

The grievance in this petition is that the water body i.e. Garpukur in Dag No.2154 measuring about 1.2050 acres has illegally been allowed to be converted by permission dated 26.08.2021 without creation of the compensatory water body in violation of the provisions of the West Bengal Inland Fisheries Act, 1984.

Learned counsel for the State has informed that since the compensatory water body was not created within the specified time, therefore, by order dated 8th March, 2022 the earlier permission dated 26.08.2021 has been cancelled and now the concerned person is required to restore the water body to its original position. It has been pointed out that the respondent no.10 i.e. Executive Officer, Beldanga Municipality is the competent authority to take appropriate action for restoration of the water body.

Learned counsel for the petitioner has also pointed out Section 17A(10) of the Act of 1984 and has submitted that now the water body is required to be restored to its original position as required by the said provision.

Having regard to the aforesaid, we dispose of the present petition directing the respondent no.10 to take an appropriate expeditious action for restoration of the water body in question to its original position in accordance with law if there is no legal impediment in this regard.

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

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

M