

18.7.2022
Court No. 19
Item no.437
sn

WPA No.8015 of 2022

Sujit Kumar Das
Vs.
The State of West Bengal & ors.

Mr. Mohit Gupta
Mr. Saptarshi Datta
Mr. M.K.Roy
Mr. P.K. Palfor the petitioner

Mr. S.K. Das
Ms. Krishna Yadav ..for the municipality

Mr. Sukanta Das ..for the respdts.9&10

Mr. Asish Kr. Guha
Mr. Naren Ghosh Dastidar ..for the State

Perused the police report.

It is alleged that on the basis of the complaint lodged before the Sub-Divisional Magistrate vide M.P.Case No. 1183/2022 under Section 144(2) of the Code of Criminal Procedure, an enquiry was conducted by the Titagarh Police Station.

It appears that the alleged pond around on which the boundary wall was being constructed, was owned by Prashanta Kumar Koley and Narayan Chandra Koley. The pond was used for fishing. As the bank of the pond was subjected to erosion, the owner made a representation before the Barrackpore municipality to permit him to build a guard wall along the bank of such pond. The Barrackpore

municipality accorded permission for construction of the guard wall. During enquiry, illegal filling-up of pond was not detected.

Under such circumstances, this Court is not in a position to direct the police authorities to register an FIR at this stage on the basis of the mass petition received by the police authorities, from the persons in the locality.

The petitioner is at liberty to approach the appropriate authorities with regard to the allegations of illegal filling up of the pond and the construction over the vested lands and the pond. The police authorities on preliminary enquiry did not detect commission of any cognizable offence.

This Court is of the view that the allegations of the petitioner against the respondent Nos. 9 and 10 must be decided by the appropriate statutory authorities, in a time bound manner.

This writ petition is disposed of.

There will be, however, no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)