

WPA(P) 248 of 2022

**Sri Ajit Kumar Mondal & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Somnath Ghosahal
Ms. Anupama Chakraborty
Mr. Satyajit Senapati

... .. for the petitioners

Mr. Jahar Lal De
Mr. Supratim Dhar

... .. for the State

Ms. Pampa Dey (Dhabal)

... .. for the respondent nos.10 &11

The allegation in this petition is that the land of Mouza-Amarabati, Khatian No.01, Dag No.2157/2258, JL No.24, Police Station-Freserganj Coastal, District-South 24 Parganas, of which the patta has been granted to the respondent nos.10 and 11, is being utilized for construction of hotel etc. in violation of the law and in that process private respondents are filling up Jheel (water body) and encroaching upon the road.

Learned counsel for the petitioners has also referred to the RTI information supplied by the Gangasagar Bakkhali Development Authority on 20th April, 2022 stating that the matter is subject matter of enquiry and no development permission was accorded by the said authority.

Learned counsel for the private respondents has denied the said allegation and has submitted that a civil suit is pending in which one of the petitioners is defendant, but learned counsel for the private respondents has not disputed that civil suit is for title

and protection of possession. Therefore pendency of such a civil suit will not come in the way of enquiry in respect of allegation of filling up a pond and encroachment on the road.

It is also pointed out that a mass representation dated 11.01.2022 has been submitted to the respondent no.7, Executive Officer, Gangasagar Bakkhali Development Authority which is pending.

Hence, we direct the respondent no.7 to duly consider the petitioners' representation and conduct an enquiry. Respondent no.7 will be at liberty to take assistance of respondent no.6, Block Land and Land Reforms Officer, Namkhana, South 24 Parganas in that process.

Let this exercise be completed and if the allegations made by the petitioners are found to be correct then appropriate action in accordance with law be taken within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)