

16.02.2023
Court No. 19
Item 437
CP

CAN 1 of 2022
in
W.P.A. No.14031 of 2022
Alamgir Khan
Vs.
The State of West Bengal & Ors.

Mr. Iftekar Munshi
... for the applicant/petitioner.
Md. Galib
Mr. Gourab Das
..for the State

Mr. Sundar Gopal Bhattacharyya
..for the respondent nos. 2&3

Mr. Rafiqul Sardar
..for the respondent nos. 5&6

Mr. K.K. Chakraborty
Ms. S. Das
..for the intervener

CAN 1 of 2022 is an application for modification and/or clarification of the order dated August 11, 2022 passed by this court in WPA No. 14031 of 2022.

There does not seem to be any contradiction in the said order passed by this court and the court does not find any need to modify the same.

The court had categorically held that the question of conversion of the land or changing the nature of sali land for fishing activity etc. shall be

subject to the decision of the competent authority. The observation of the court that the order of the court shall not be construed as a permission given to the petitioner with regard to the activities narrated in the letter dated December 3, 2020 is not in conflict with the previous observation that the competent authority will decide the issues.

The court was of the view that the activities which the petitioner had performed and were performing were subject to the decision of the competent authority before whom applications were pending. The court did not put any fetters on the competent authority to dispose of the pending applications and, hence, the apprehension of the applicant is misconceived.

No order is passed modifying the earlier order.

Accordingly, CAN 1 of 2022 is disposed of.

(Shampa Sarkar, J.)