

28. 20.04.2022
Ct. No.06
Tanmoy

F.M.A. 156 of 2022
(M.A.T. 1086 of 2021)

Abdul Rashed Mondal & Ors.
-Versus-
The State of West Bengal & Ors.

With
IA No: C.A.N. 1 of 2021

Mr. Sandip Kumar Bhattacharyya, Adv.,
Mr. Suman Basu, Adv.,
Ms. Debanwita Pramanik, Adv.

...for the appellants.

Mr. Susovan Sengupta, Adv.,
Mr. Subir Pal, Adv.

...for the State respondents.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

The petitioners approached the learned Single Judge, *inter alia*, with the following prayer:

“A writ in the nature of Mandamus commanding the respondent authorities particularly the respondent no.2 to 5 herein, their men and agents and/or subordinates to show cause as to why it has not considered the representation made by the petitioners dated 10/09/2020 and 13/10/2020 being Annexure P-3 herein; ”

The writ petition was dismissed by the learned Single Judge on the ground that the petitioners have an

adequate efficacious remedy under the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as the “said Act”). The learned Single Judge granted liberty to the petitioners to approach the Tribunal in terms of the said Act.

As indicated above, the grievances of the petitioners relate to the non-consideration of their representations dated September 10, 2020, and October 13, 2020.

By those two representations, the petitioners lodged complaints before various authorities alleging illegal filling up and encroachment of water bodies by various persons within the municipal area of North Dum Dum Municipality.

We are of the view that the prayer of the writ petitioners should be considered by the Competent Authority under Section 17A of the West Bengal Inland Fisheries Act, 1984 (hereinafter referred to as the “1984 Act”). The present writ petition is maintainable before this Court since the said “1984 Act” is not a specified Act under the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.

Accordingly, this appeal is disposed of by giving a direction upon the Competent Authority under Section 17A of the 1984 Act, of the North Dum Dum Municipality to consider the said two representations dated September 10, 2020, and October 13, 2020, within a period of one month from the date of

communication of this order. The authority shall communicate the reasoned order to the appellants/petitioners within a period of seven days from taking the decision in the matter.

The authority will grant an opportunity of hearing to the appellants/writ petitioners or their authorized representative and all concerned before arriving at any decision.

F.M.A. 156 of 2022 and IA No: C.A.N. 1 of 2021 are accordingly disposed of by setting aside the order of the learned Single Judge.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)