

**WPA(P) 313 of 2022**

**Surajit Adhikari  
Vs.  
The State of West Bengal & Ors.**

Mr. Asis Kumar Bagchi  
Mr. Chirantan Sarkar

... .. for the petitioner

Mr. Anirban Ray, GP  
Mr. Jahar Lal De

... .. for the State

Mr. Priyabrata Batabyal  
Mr. Anirban Sarkar

... .. for the respondent nos.8 and 9

Affidavit of service filed by the petitioner is taken  
on record.

The petitioner in this public interest petition has  
raised an issue that near his residence there is a pond  
situated at District Purba Bardhaman, P.S. Katwa,  
Mouza-Katari J.L. No.52, LR Khatian Nos.328, 407, LR  
Plot No.311 classified as Doba total area of which is  
about 11 decimal.

The allegation of the petitioner is that the private  
respondents have filled up the water body(Doba).

Learned counsel for the petitioner has pointed out  
that on the complaint of the petitioner enquiry was  
conducted and, thereafter, notice dated 23<sup>rd</sup> February,  
2022 was issued by the BL & LRO, Katwa-I, Purba  
Bardhaman finding that the private respondents had  
changed the nature and character of the pond by filling it  
up and therefore initiating action under Section 4C(5) of  
WBLR Act, 1955.

Learned counsel for the State has pointed out that under Sections 4C and 4D of the WBLR Act, 1955 only the penal provisions are contained whereas for restoration of the water body to its original position the District Magistrate has been empowered under Section 17(A) of the West Bengal Inland Fisheries Act.

It has been pointed out that the petitioner has already made the complaint to the District Magistrate on 22<sup>nd</sup> November, 2021 with a prayer to get the water body restored. Hence, the said complaint of the petitioner is required to be considered by the respondent no.2, District Magistrate, Purba Bardhaman.

In view of the above, we dispose of the present petition with a direction to the respondent no.2 to duly consider the petitioner's complaint dated 22<sup>nd</sup> November, 2021 in accordance with law after giving an opportunity of hearing to all the concerned parties.

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

The petition is accordingly disposed of.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**