

WPA(P) 314 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

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

The petitioner in this public interest petition has raised the plea that near his residence there is a pond known as “Sona Gore” situated at District Purba Bardhaman, P.S. Katwa, J.L. No.52, LR Khatian Nos.328, 407, LR Plot No.352 classified as Doba.

The grievance of the petitioner is that the private respondents have filled up the water body and have changed the ecological balance in the area.

When the matter is taken up today learned counsel for the petitioner has pointed out that the petitioner has already filed the representation dated 22nd November, 2021 before the respondent no.2, District Magistrate, Purba Bardhaman but no action on the said representation has been taken till now.

Learned counsel for the State submits that there is not objection in considering the petitioner’s representation.

Considering the nature of allegations which have been raised, we are of the opinion that District Magistrate, Purba Bardhaman will be in a better position to consider the petitioner's grievance after ascertaining the position on the spot and nature of the land.

Hence, we dispose of the present petition by directing the respondent no.2, District Magistrate, Purba Bardhaman to duly consider the petitioner's representation dated 22nd November, 2021 after giving an opportunity of hearing to all the concerned parties and after getting spot inspection report and ascertaining the nature of land from the land record. If the District Magistrate finds that the water body has been illegally filled up then he will ensure necessary steps for its restoration to its original position.

Let the aforesaid exercise be completed 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.)