

14.02.2022
Court No.13
Item No.14
AP

WPA 16582 of 2021

**Partha Pratim Parua
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Ziaul Haque

... For the Petitioner.

Ms. Sutapa Sanyal

... For the State.

Mr. Gopal Chandra Das

... For the Private Respondent No.4.

Mr. Debabrata Saha Roy

Mr. P. Bhattacharyya

... For the Private Respondent No.7.

The writ petitioner complains that the private respondent is constructing on a plot of land that is otherwise water body/pond (pukur). The said pond is being used by the entire village and community including the writ petitioner and his family members.

Learned counsel for the private respondents submits that the pond in question if at all is a private property. It is submitted that his client has obtained sanction from the Tamralipta Municipality to effect construction on a plot of land which is not pond and adjacent to the said water body.

Learned counsel for the State submits on instructions that there is no filling up of the pond as of now.

Learned counsel for the Tamralipta Municipality submits that indeed his client has sanctioned a plan for

construction on the land which is not a pond but some clarifications are need with regard to the exact plot number on which the construction has been allowed.

In view of the matter, Tamralipta Municipality upon notice to the writ petitioner and the private respondents shall take a suitable decision within a period of three weeks from date as to whether the private respondent's construction is on any water body or as to whether the plan sanctioned by the Municipality is in accordance with law or not.

A reasoned order may be passed and communicated to the private respondents and the writ petitioner within a week thereafter.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)