

34 03.01.2022

gd/ssd

WPA(P) 335 OF 2021
ANJAN KUMAR DUARI AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.
(Through Video Conference)
Mr. Barun Kumar Samanta
..for the Petitioners.

Mr. Lalit Mohan Mahata,
Mr. Suman Sengupta
..for the State.

Mr. Mihir Kundu
..for the Respondent No.9.

By this petition the petitioners, who are the residents of Village Panchgechia (I), Police Station Daspur, have raised a challenge to the decision of the District Magistrate dated 09.07.2021. The submission of the counsel for the petitioners is that the pump house has been constructed on the canal without obtaining proper permission, which will hamper drainage system of the locality in the rainy season.

Having examined the record, we find that earlier the petitioners had filed WPA 9860 of 2020 which was disposed of by the Division Bench of this Court by order dated 02.12.2020 directing the District Magistrate, Paschim Medinipur to conduct an enquiry into the matter in the light of the allegations made by the petitioners. Thereafter, in compliance of the direction of this Court, an enquiry was conducted by the District Magistrate and in that process the counsel for the

petitioners was also heard. District Magistrate in the impugned order has taken note of the enquiry report submitted by the BDO, Daspur-II on 11.06.2021 indicating that Panchgechia Pratham Major Lift Irrigation the scheme was duly sanctioned for the benefit of small and marginal farmers and that the project will fulfil the scarcity of the irrigation water for the farmers. The report noted by the District Magistrate reveals that there is no obstruction effecting the drainage system of the canal in any way. The order dated 09.07.2021 indicates that the construction has been raised in the public interest and no merit has been found by the District Magistrate in raising challenge to the construction of pump house as the said pump house did not create any kind of obstruction against the natural flowing of canal's water during peak season of rain.

Having regard to the factual conclusions, which are drawn by the District Magistrate, we are of the opinion that the order passed by the District Magistrate does not require any interference. The petition is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Kesang Doma Bhutia, J.)

