

59 15.09.2022

gd/ssd

WPA(P)/439/2022
GOURANGA CHOWDHURY AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sankar Prashad Dalapati,
Mr. Safik Dewan,
Ms. Tanusree Ghosh,
Mr. Sourav Mandal
..for the Petitioners.

Mr. Jahar Lal Dey,
Mr. Abdus Salam
..for the State.

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

The grievance raised by the petitioners in this public interest petition is that there is a water body situated in Mouza – Karjana, J.L. No.56, Dag No.1273, Khatian No.1085 measuring about 1.87 acres vested in the State and the villagers were using this water body. The grievance of the petitioners is that the State authorities have distributed “Patta” to the private respondents who are now filling up the water body.

Learned counsel for the State has informed that the “Patta” was granted to the private persons in the year 1976 but he does not dispute that the water body cannot be filled up except permitted in accordance with law.

The record reflects that the petitioners have made the representation dated 11.07.2022 before the respondent no.3 i.e. District Magistrate, Purba Burdwan.

Learned counsel for the State has fairly submitted that there is no objection in considering the petitioners' representation.

The issue raised in this public interest petition requires factual enquiry which can more appropriately be done by the respondent no.3.

Hence, we dispose of the present petition by directing the respondent no.3 to duly consider the petitioners' representation dated 11.07.2022 after giving an opportunity of hearing to the petitioners and all the concerned affected parties and take appropriate decision/action in accordance with law.

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

The petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Sugato Majumdar, J.)

