

21.12.2022
Court No.24
Item No.56
AP

WPA 21722 of 2022

**Smt. Sunanda Manna and Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Mrinal Kanti Ghosh
... For the Petitioners.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... For the State.

Mr. Shyama Prosad Purkait
Ms. M. Mondal
... For the Diamond Harbour Municipality.

Mr. Satyajit Mondal
Mr. A.B. Mahata
... For the Respondent No.6.

Affidavit of service filed in Court is taken on record.

The petitioners allege illegal and unauthorized construction over a water body at the behest of the private respondents.

It appears from records that the Diamond Harbour Municipality issued notice to stop construction when the petitioners raised construction over the selfsame water body in August 2020. The unauthorized construction is yet to be demolished.

The petitioners allege that the private respondents have also made construction over the selfsame water body but the Municipality has not taken any steps against those constructions. The objection filed by the petitioners before the Municipality in August 2022 is pending consideration till date.

Learned advocate representing the private respondent No.6 submits, upon instruction that, construction has been made under the House for All Scheme for which permission/sanction is not required. The learned advocate has, however, failed to refer to any provision of law permitting construction over a water body.

Learned advocate representing the Municipality submits that the Municipality is yet to take a decision in response to the objection filed by the petitioners.

As it appears that the Municipality has already issued stop work notice in favour of the petitioners when they made construction over the water body, accordingly, the Municipality is directed to take appropriate steps against any other person responsible for making construction over the selfsame water body.

The Municipality is directed to take steps to deal with such unauthorized construction made over the water body and to ensure that all unauthorized constructions made over the water body are removed/demolished in accordance with law, at the earliest, but positively within a period of four months from the date of communication of this order.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)