

WPA(P) 479 of 2022

**Nirajul Rahaman Jamadar
Vs.
State of West Bengal & Ors.**

Mr. Subhasish Pachhal

... ... for the petitioner

Mr. Jahar Lal De
Mr. Shamim Ul Bari

... ... for the State

Mr. Prashant Pathak
Mr. Subir Banerjee

... ... for the respondent nos.13 & 14

Ms. Joyee Maiti

... ... WBPCB

The allegation in this public interest petition is that the private respondents are raising construction by filling up water body. It has been pointed out BL & LRO, Domjur, Howrah had sent a notice dated 18th March, 2022 to the private respondent nos.13 and 14 clearly mentioning that LR Plot No.3057, RS Plot No.3005 of Mouza – Dakshin Jhapradah, JL No.15 was classified as Pukur and its nature was changed by the respondent nos.13 and 14 without obtaining any permission from the prescribed authority under section 4(C) of the WBLR Act, 1955. By this communication the respondent nos.13 and 14 were directed to stop such activities and restore the plot to its original condition. The grievance of the petitioner is that in spite of the said notice the construction activities have continued.

Learned counsel for the State has pointed out that the power to restore the water body to its original position lies with the District Magistrate under section 17(A) of the

West Bengal Inland Fisheries Act. He has submitted that if the petitioner files an appropriate representation before the respondent no. 8, District Magistrate, Howrah, then the grievance of the petitioner will be duly looked into.

In view of the above, we dispose of the present petition permitting the petitioner to file appropriate detailed comprehensive representation before the respondent no.8, who on receipt of the same will make an enquiry, if required and will take appropriate decision in accordance with law after giving an opportunity of hearing to all the concerned parties. If the respondent no.8 finds that any illegal construction has been raised by filling up the water body then he will take necessary steps for removal of the said illegal construction.

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

Petitioner is directed to enclose a copy of this order along with the representation.

Petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)