

WPA(P) 574 of 2022

**Anuska Ray
Vs.
The Sate of West Bengal & Ors.**

Mr. Partha Sarathi Deb Barman
Mr. Anindya Sundar Das
Mr. Debapriya Samanta
Mr. Sounak Ghosh
Ms. Avipsa Sarkar

... ... for the petitioner

Mr. Samrat Sen, AAAG
Mr. Nilotpal Chatterjee
Ms. Manali Ali

... ... for the State

The affidavit of service filed by the petitioner is taken on record.

In this public interest petition the allegation of the petitioner is that the land situated at Plot Nos. 1 and 2 of Mouza – Santipur, JL No. 22, P.S. – Santipur, District – Nadia is recorded as Doba in the official record but certain unknown persons are illegally filling up that Doba, i.e. water body.

Learned counsel for the petitioner has also pointed out that the petitioner had made the complaint dated 28th September, 2022 to the respondent no.4, Block Land and Land Reforms Officer, Santipur but no action has been taken.

Learned counsel appearing for the State submits that from his office the necessary instructions have already been issued to the respondent no.4 to take an action if there is illegal filling up of water body. He has

also submitted that there is no objection in deciding the pending complaint by the respondent no.4.

We also find that the allegation which the petitioner is making requires factual enquiry which can more appropriately be done by the respondent no.4.

Hence, we dispose of the present petition by directing the respondent no.4 to duly consider the petitioner's complaint dated 28th September, 2022 and conduct an enquiry, if required, and take appropriate action in accordance with law after giving opportunity of hearing to all the concerned parties. In case it is found that any portion of the water body has been illegally filled up then appropriate steps will be taken by the respondent no.4 to ensure that the water body is restored to its original position.

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

The petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)