

9 29.11.2022

gd/ssd

WPA(P)/575/2022
SK. ALTAF AND ANR.

VS

THE STATE OF WEST BENGAL AND ORS.

Mr. Somnath Ghoshal,
Mr. Arun Kumar Raha,
Mr. Satyajit Senapati
..for the Petitioners.

Mr. Jahar Lal De,
Mr. Rudranil De
..for the State.

Mr. S.M. Ismail
..for the Respondent Nos.9 to 12.

In this public interest petition the allegation of the petitioners is that there is a pond spread over L.R. Plot No. 4103, R.S. Plot No.4078 of Mouza-Nimra, J.L. No.51 which has been classified as Pukur. The allegation is that the private respondents are raising construction and filling up the pond by encroaching upon it.

Learned counsel for the petitioners has also drawn the attention of this Court to the communication dated 27.08.2021 sent by the respondent no.4 i.e. Block Land and Land Reforms Officer, Domjur to the respondent no.10 asking him to stop the activity and restore the plot to its original position.

Submission of learned counsel for the petitioners is that after sending the said communication no further action has been taken by the respondent no.4.

Learned counsel for the State fairly submits that

now the action is required to be taken by the respondent no.4.

Since the issue relates to the nature of the land which is stated to be pond and rival stand has been taken by the petitioners and the private respondents, therefore, we deem it proper that the respondent no.4 should give an opportunity to both the parties to produce their respective documents and thereafter decide the issue.

Hence, we dispose of the present petition by directing the respondent no.4 to conduct an enquiry after giving an opportunity of hearing to all the concerned parties and take appropriate decision in accordance with law. If the land in question is found to be water body and any illegal construction is found thereupon, then appropriate steps will be taken by the respondent no.4 to ensure that the unauthorised construction is removed.

Let this 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.)

