

Sl. No.8
14.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7642 of 2020

Abhijit Sarkar & Anr.

v.

The State of West Bengal & Ors.
with
CAN 1 of 2020

Mr. Lakshminath Bhattacharya
... for the petitioners.
Mr. Amitesh Banerjee
Mr. Jayeeta Sinha
Mr. Ranjit Rajak
... for the State.
Mr. Biswa Ranjan Bhakat
Mr. Samar Kumar Pal
... for the respondent no. 12.
Mr. Subhendu Banerjee
... for the Municipality

The respondent no.12 has filed an exception to the report filed by the Sub Divisional Officer. The exception contains an agreement which was executed between the Municipality and Aktar Ali Laskar, the respondent no.12. The respondent no.12 has mentioned that he has not filled up the canal and the drainage system has not been blocked.

The respondent no.12 has also denied allegation of encroachment. It has been mentioned that the canal is filled up with bushes and marshy plants.

The report filed by the Sub Divisional Officer has annexed copy of the notice which was issued by the Municipality directing the respondent no.12 to remove the unauthorised construction.

As the respondent no.12 asserts that he has not made any unauthorised construction and he has not filled up the canal in any manner, accordingly, the Municipality is directed to proceed against any person who has made unauthorised construction over the water body.

Steps shall be taken in accordance with law to remove the unauthorized construction at the earliest but positively within a period of four months from the date of communication of this order.

The Municipality shall ensure that there is no blockage in the flow of water in the water body and water can pass freely through the canal.

The Officer-in-Charge of the jurisdictional Police Station is directed to render all assistance to the men and agents of the Joynagar Mazilpur Municipality at the time of removal of the unauthorised construction, if sought for.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)