

OD-4

ORDER SHEET

WPO/554/2018
IA No. GA/1/2019 (Old No. GA/850/2019),
GA/2/2019 (Old No. GA/851/2019)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MUNMUN BASU & ANR.
Versus
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 13th January, 2022.

[Via Video Conference]

Appearance:
Mr. Bibek Jyoti Basu, Adv.
Mr. Uttam Kumar De, Adv.
For the petitioners

Mr. Alok Kumar Ghosh, Adv.
For K.M.C.

Ms. Shipra Mazumder, Adv.
Ms. Debarati Sen, Adv.
For the State.

The Court :- Despite service, none appears on behalf of the Corporation.

Mr. Alok Kumar Ghosh, learned Advocate who usually appears on behalf of the Corporation, is requested by this Court to appear in this

matter. The allegations are serious in nature. According to the petitioners, that a pond adjacent to the land of the petitioners popularly known as 'Gopal's pond' situated behind 11E, Rahim Ostagar Road, Kolkata 700 045 in Ward No. 93 of the Kolkata Municipal Corporation is being filled up with garbage by persons from the locality. As a result, not only is the water body being filled up with debris and waste materials leading to health hazards, but such action of filling up of the pond is also in violation of the Inland Fisheries Act and other relevant statutes. A representation had been made before the authorities being Annexure P-2 at page 17 of the writ petition dated February 24, 2018. According to the petitioners, the said representation has not yet been disposed of. Allegations of illegal construction has also been made over a portion of the said pond.

Without going into the merits of the claims and counter claims of the parties, the writ petition is disposed of with a direction upon the petitioners to file a comprehensive complaint/representation before the Additional Directorate, Solid Waste Management Department, Borough-X of the Kolkata Municipal Corporation within a period of two weeks. The said authority as also the competent authority under the Inland Fisheries Act, shall dispose of the complaint upon granting an opportunity of hearing to all the parties. A reasoned order shall be passed and communicated to all concerned. If the allegations are found to be correct steps for restoration of the pond shall be taken.

Needless to mention that the Corporation shall take all interim measures that are permissible under the law on the basis of the allegations made by the petitioners.

It is made clear that this Court has not gone into the merits of the claims and counter claims of the parties.

The entire exercise shall be completed by the Corporation within a period of four months from the date of communication of this order.

With the above observations, the writ petition and the other connected applications are disposed of.

All parties are to act on the basis of the server copy of this order.

(SHAMPA SARKAR, J)

snn.