

28.02.2023
Sl. No.23(DL)
srm

W.P.A. No. 2832 of 2023
Kalyan Dey alias Kalyan Kumar Dey
Versus
The State of West Bengal & Ors.

Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar
....for the Petitioner.

Mrs. Anwari Quraishi,
Mrs. Zainab Tahur
...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent Nos.8 to 14 and the panchayat authorities.

Perused the report filed by the Block Land and Land Reforms Officer, Bharatpur-II, Salar, Murshidabad. It appears that the matter has been sent to the Additional District Magistrate & District Land and Land Reforms Officer, Murshidabad for further direction and necessary action. Undoubtedly, Plot Nos. 1560 and 1566 of mouza Barahati have been classified as '*doba*'. The writ petitioner alleges illegal filling up of the pond by the respondent Nos.8 to 14.

This Court is not inclined to pass mandatory directions in this case, as the inspection by the Revenue

Inspector, Tenya Gram Panchayat, Murshidabad, indicates that the petitioner had also filled up a portion of the '*doba*' and used the same as homestead land. There is a Durga Temple in the moribund portion since long. The rest of the pond was filled up by vegetation and deposit of earth as a natural course.

The Court does not find that the authority had arrived at a specific finding as to whether any construction has been made by the respondent Nos.8 to 14. It appears that the matter has already been sent to the Additional District Magistrate & District Land and Land Reforms Officer, Murshidabad and the Block Land and Land Reforms Officer, Bharatpur-II, Salar, Murshidabad is awaiting further instruction from the authority for future course of action on the basis of the findings. The Additional District Magistrate & District Land and Land Reforms Officer, Murshidabad is requested to take necessary steps in this regard, upon hearing all concerned. If it is found that the pond had been filled up by any of the parties, necessary steps shall be taken in accordance with law. The question of the panchayat authorities taking steps would only arise after there is a specific decision by the land department. The said department can also take steps in accordance with law.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)