

Item No. 20
21.2.2023
S.G.

W.P.A(P) 57/2023

Sk. Riyaz Uddin Molla
-Vs-
The State of West Bengal & Ors.

Mr. Arindam Banerjee,
Mr. Ashis Kr. Mukherjee,
Mrs. Arpita Saha,
Mr. Saurabh Prasad

... For the Petitioner.

Mr. N.C. Bihani,
Mrs. P.B. Bihani

... For the WBPCB

Mr. Subhabrata Das,
Mr. Dwaipayan Basu Mullick

... For Respondent Nos. 16,17,18 & 19

Mr. Puspendu Chakraborty

... For Respondent No. 20

In this Public Interest Petition, allegation is that the respondent nos. 16 to 19 are running the petrol pump by illegally filling up the water body.

Learned counsel for the petitioner has submitted that by the order dated 8th July, 2008, a conversion of the land in R.S Nos. 2383, 2384, 2385 and 2386 was permitted for the purpose of petrol pump but there was no conversion in respect of R.S Plot No. 2387, which is a larger chunk of land comprising of 22 decimal area of water body. He further submits that the complaint was made to the Pollution Control Board, which had forwarded

the same vide letter dated 29th August, 2022 to the respondent no. 7, the Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas, but no action has been taken. He further submits that the complaint was also made to Hindustan Petroleum Corporation Limited which had informed vide communication dated 5th September, 2022 that they are in the process of replying to the notice but no reply has been received till now.

The issue raised in this Public Interest Petition relating to alleged illegal filling up of the water body and setting up of a petrol pump thereupon needs to be enquired by a competent authority of the State after examining the land record and other relevant documents. The matter has already been referred to the Additional District Magistrate, respondent no. 7, which is stated to be the competent authority to look into the said issue.

Hence, we dispose of the present petition directing the respondent no. 7 to give an opportunity of hearing to all the concerned parties and to conduct an enquiry in order to ascertain the nature of the land and take appropriate action in accordance with law. If it is found that a water body was illegally filled up then necessary action in accordance with law will be taken against the persons responsible for the same. The adequate steps will also be taken to restore the water body to original position.

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

We make it clear that we have not considered the other reliefs prayed in the petition and confined ourselves to the issue of illegal filling up of water body.

[Prakash Shrivastava, CJ.]

[Rajarshi Bharadwaj, J.]