

WPA(P) 62 of 2023

Sohidul Islam & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Yunus Mondal

Mr. Pronojit Roy

... .. for the petitioners

Mr. Anirban Ray, GP

Mr. T.M. Siddiqui

Mr. N. Chatterjee

Mr. A.L. Chatterjee

Ms. A. Pandey

... .. for the State

Mr. Anirban Das

... .. for the respondent no.8

Affidavit of service filed by the petitioners is taken on record.

In this public interest petition the allegation is that the private respondent is raising pucca construction by filling up earth over a Khal namely, Kaliani Beel through which natural water passes during the rainy season.

The submission of learned counsel for the petitioners is that a construction is being raised illegally whereas the stand of the private respondent is that the construction is being done after obtaining due permission.

The record reflects that the petitioners have already submitted representation (Annexure P-1) to the respondent no.5, Block Development Officer but the said representation has not been decided till now.

We are of the opinion that the issue which is raised in this petition can be more appropriately be examined by

the respondent no.5 by examining the original record as also conducting an enquiry, if required.

Hence, we dispose of this petition by directing the respondent no.5 to duly consider the petitioners' representation (Annexure P-1) in accordance with law by giving opportunity of hearing to all the concerned affected parties.

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

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)