

03.04.2023
Court No. 19
Item No.13(DL)
srm

W.P.A. No. 4128 of 2023

Fakir Chand Naskar & Ors.

Versus

The State of West Bengal & Ors.

Mr. Pritam Choudhury,
Mr. Satyajit Mahata,
Mr. Sourav Mondal

... for the Petitioners.

Mr. Rajarshi Basu,
Mr. K.M. Hossain

... for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.11 to 13.

The allegation of the petitioners is that the competent authority empowered under the West Bengal Inland Fisheries Act, 1984, did not take steps to prevent the respondent Nos.11 to 13 from filling up a water body.

It appears that the Sub-Divisional Officer, Canning, was approached by the petitioner No.1 earlier and the Sub-Divisional officer, on the basis of the complaint, had directed the Block Development Officer, Canning-I, to take necessary steps with regard to the allegation of filling up of Dag No.186 of mouza Taldi. The record of rights indicates that the land has been classified as 'sali'.

The learned Advocate for the petitioners submits that if a depressed land is covered in water for maximum period of a year, the same should be treated as a water body in terms of the provision of the West Bengal Inland Fisheries Act, 1984.

There are factual aspects which cannot be gone into. This Court cannot direct the panchayat authorities to take steps unless the authorities who had been approached by the petitioner as also the Block Development Officer, Canning-I decide the matter.

The petitioner is at liberty to approach the competent authority for immediate steps in this regard. The authorities have maintained a silence.

This Court has not gone into the merits of the allegation. As it already appears that the Block Development Officer, Canning-I, South 24-Parganas has been asked by the Sub-Divisional Officer, Canning, South 24-Parganas to make an enquiry and submit a report before the said authority within January 6, 2023, necessary steps shall be taken in accordance with law.

With the above observations, the writ petition is 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.)