

03.04.2023
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WPA (P) 118 of 2023
Sanjib Adhikary.
Vs.
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman,
Mr. Sk. Abu Musa,
Ms. Maria Rahaman for the petitioner.

Mr. Raghunath Chakraborty,
Mr. J. N. Mahanty ... for Maheshtala Municipality.

Mr. Jahar Lal De,
Mr. Rudranil De ... for the State.

1. We have heard Mr. Mohinoor Rahaman, learned Advocate for the petitioner, Mr. Raghunath Chakraborty, learned Advocate for the municipality and Mr. Jahar Lal De, learned Advocate for the State.

2. This writ petition has been filed as a public interest litigation to ensure that the illegal filling of a pond situated at the land being R. S. 611 and L. R. Plot No.919 Dag No.667, Mouza – Ramdashati, J. L. No.04, Police Station – Metiabruz (now Rabindranagar), District – South 24 Parganas is immediately stopped and the water body be kept intact. The petitioner had submitted complaint to all the respondents and his complaint was taken on record by the Assistant Director of Fisheries, South 24 Parganas and by Memo dated 20th January, 2023, the said authority had addressed the 6th respondent /

municipality bringing to its notice about the complaint given by the petitioner in connection with the on-going illegal filling up of a pond.

2. Though the said communication had been sent as early as on 20th January, 2023, it appears that no action was taken by the municipality, which has prompted the writ petitioner to approach this Court by way of this public interest litigation.

3. It is not clear as to why the municipality has not taken any action on the complaint given by the petitioner, which was duly forwarded by the Assistant Director of Fisheries, South 24 Parganas. It is also seen that a criminal complaint has been lodged with the Rabindranagar Police Station and an FIR No.14 dated 21st January, 2023 has been registered under Section 17A of the West Bengal Inland Fisheries (Amendment) Act, 1993.

4. In the light of the above, we direct the 6th respondent to immediately cause an inspection of the pond-in-question within 24 hours from the date of receipt of the server copy of this order and if it is found that illegal filling is going on, the same shall be stopped immediately and if any portion of the filling is done, necessary direction shall be passed in accordance with the provisions of the relevant statute for restoration of the same to the original position failing which the municipality shall be at liberty to

take steps in terms of the Act and to proceed against the persons, who are engaged in the illegal filling including realisation of costs for restoration of the water body to its original position.

5. We direct the Inspector-in-Charge, Rabindranagar Police Station, South 24 Parganas to proceed further pursuant to the FIR, which has been registered on 21st January, 2023 and to take it to its logical end.

6. With the above direction, the writ petition stands disposed of.

7. There shall be no order as to costs.

8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)