

W.P.A. 5685 of 2018

**Subir Hati
Vs.
The State of West Bengal & Ors.**

**Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chattopadhyay
Ms. Trisha Rakshit**

...for the petitioner

**Mr. Suman Sengupta
Mr. Sanatan Panja**

...for the State

Mr. Subhasis Bandopadhyay

...for the Municipality

Petitioner is one of the owners of a pond situated at S.B. Bose Road under Burdwan Municipality, Ward No. 34 which is locally known as "Hati Pukur". From the joint representation made by the owners of the pond which is at page 25 annexure P4 to this writ petition it appears that for construction of road just beside municipality drain which is adjacent to the aforesaid pond, debris was accumulated beside and over the pond which resulted in damage of guard wall which separated the aforesaid pond from the adjacent municipal drain and newly constructed road. Petitioner prays for repairing/reconstruction of said guard wall which would protect the said pond from being polluted and filled up with debris.

Today, learned advocate representing Burdwan Municipality has filed a report of the Chairman dated 13th October, 2023 wherein it has been stated that the municipality is ready to repair the guard wall for the interest of the people after Puja. Such report dated 13th October, 2023 is taken on record.

In view of the case made out in this writ petition and taking into consideration the report of the Chairman of Burdwan Municipality dated 13th October, 2023 the concerned authority of Burdwan Municipality is directed to repair the guard wall which situates just beside the aforesaid pond within a period of 12 (twelve) weeks from this date in order to protect the pond from being polluted and filled up.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)