

M/L 11
04.9.2023
Court No.26
SD

WPA 5047 of 2014

Six's Griha Nirman Pvt. Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya
Mr. Sanjib Seth
Mr. Saptarshi Basu

...for the Petitioners.

Mr. Suman Sengupta
Mr. Sanatan Panja

...for the State.

This is an application under Article 226 of the Constitution of India wherein the writ petitioners are aggrieved by an order dated July 10, 2012 passed by the Assistant Director of Fisheries, South 24 Parganas wherein the authority has submitted that the order in question falls under the Inland Fisheries Act.

Subsequent to issue of this letter, petitioners have made several representations to the officer concerned and thereafter filed this writ petition. A joint report has also been filed by the District Fishery Officer (Normal), RI, Office of BLLRO, Kolkata and Assistant Fishery Officer.

Mr. Suman Sengupta, counsel appearing on behalf of the respondent authorities, submits that by notification No. 1748-Fish/C-I/9R-03/2017 dated July 20, 2017, the Municipal Commissioner is the designated officer under the Department of Fisheries, Aquaculture, Aquatic Resources & Fishing Harbours.

In light of the above submissions, this Court directs the Municipal Commissioner of the area concerned to consider all the documents available including the joint

inspection report upon granting an opportunity of hearing to the petitioners and thereafter pass a reasoned order within a period of eight weeks from date.

The reasoned order shall be communicated to the petitioners within a week from the date of passing of the same.

As the Municipal Commissioner is not a party respondent in this writ petition, the advocate on record of the petitioners is directed to add the Municipal Commissioner as a party respondent in this writ petition in course of the day and serve a copy of the writ petition along with the order passed in Court today upon him within a week from date.

With these above directions, WPA 5047 of 2014 is disposed of.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)