

WPA(P) 136 of 2023

**Sri Debajyoti Kole & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Satyendra Agarwal
Mr. Tarak Nath Sarkar
Mr. Bijoy Bag

... ... for the petitioners

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata

... ... for the State

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

The allegation of the petitioners in this public interest petition is that the private respondents have filled up the low land as well as canal and obstructed the passage of water. Further allegation is that the private respondents are illegally raising construction on the Government land which is in the nature of pathway.

The submission of learned counsel for the petitioners is that though various complaints were made to the authorities but no action has been taken.

Learned counsel for the petitioners has pointed out that the mass representation (Annexure P-5) was submitted on 10th March, 2023 but no action has been taken on the said representation.

Learned counsel for the State has fairly submitted that there is no objection if the said representation is considered by the concerned District Magistrate.

We are also of the view that the allegation which is made by the petitioners requires factual enquiry which can more appropriately be done by the respondent no.6, District Magistrate, Paschim Medinipur.

Hence, we dispose of the petition by directing the respondent no.6 to duly consider the petitioners' representation (Annexure P-5) in accordance with law. The respondent no.6 will given an opportunity of hearing to all the concerned parties and will obtain the report relating to the status on the spot and if it is found that the private respondents or any other person have encroached upon the land of the government or filled up the canal or low land area, then the necessary remedial action will be taken expeditiously.

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.)

(Ananya Bandyopadhyay, J.)