

WPA 7456 of 2022

Ujjwal Ray
Vs.
The State of West Bengal & Ors.

Adv. Partha Pratim Roy,
Adv. Dyutiman Banerjee,
...for the petitioner.
Adv. Anuran Samanta,
...for the respondent no.9.
Adv. Ansar Mondal,
Adv. Srilekha Bhattacharya,
...for the State.

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

None appears for the 2nd and 3rd respondents despite service.

On prayer of the petitioner, liberty is granted to implead the District Magistrate, Purba Bardhaman as respondent no.10 in the writ petition.

The cause title of the writ petition be amended accordingly.

The grievance of the petitioner is that the private respondent is filling up a water body used by the local people including the petitioner, by raising construction therein. The petitioner seeks to submit a representation in this regard before the District Magistrate, Purba Bardhaman, being the 10th respondent herein, and prays for a direction upon the said authority to consider the representation at the earliest.

It is submitted on behalf of the private respondent that the petitioner himself has filled up the water body before more than twenty-five years and has sold out portions of the same to others.

The contention of the private respondent is denied and disputed by the petitioner.

Be that as it may, since the petitioner seeks to submit a representation before the concerned authority, the writ petition being WPA 7456 of 2022 is disposed of with liberty to the petitioner to submit a comprehensive representation ventilating his grievance before the 10th respondent within two weeks from date. The 10th respondent is directed to consider and dispose of the representation within two months from date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)