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13.09.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 9006 of 2023

**Dipali Halder & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Shyamal Chakraborty.
...For the Petitioners.**

**Mr. Sayan Sinha.
...For the Municipality.**

**Mr. Satyajit Talukder,
Ms. Piu Karmakar.
...For KMDA.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the private respondents in spite of service.

The petitioners allege that the private respondents are filling up a water body and the embankment of the pond and raising construction thereon.

It appears that the Baruipur Municipality directed the parties to appear for hearing along with all documents. The Municipality was of the opinion that as the petitioners failed to show document in support of their submission, the plan sanctioned by the Municipality in favour of the private respondents will remain in force.

The aforesaid communication of the Baruipur Municipality suggests that the Municipality sanctioned the plan in favour of the private respondents.

The submission of the petitioners that the water body is being filled up, does not appear to have been addressed by the Municipality.

The Municipality is, accordingly, directed to cause a spot inspection upon prior notice to all the parties to ascertain as to whether construction is being made by filling up the water body and its embankment.

In the event it appears that the water body is being filled up and construction is being made on its embankment, then necessary steps shall be taken to deal with the same.

The Municipality is directed to come to a definite conclusion at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)