

02.05.2023
Court No. 19
Item 14
CP

WPA No. 9603 of 2023

Asit Kumar Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Panchanan Hajra
... for the petitioner.

Mr. Saptarshi Chakraborty
.....for the respondent no. 8.

The allegation of construction over a pond belonging to the petitioner, shall be decided in the pending civil suit.

The petitioner has already approached the civil court for declaration of his right, title and interest in respect of the pond in question. Further allegation that a part of the pond had been filled up by the respondent no. 8 for the purpose of construction, is also available before the learned civil court and the petitioner can ask for a commission/local investigation. On the basis of the findings in the local investigation and upon adjudication of the dispute before the civil court, the civil court may pass necessary orders for restoration of the pond.

Further, the right of the petitioner is also open under the provisions of the West Bengal Land Reforms Act, 1955. The petitioner may approach the appropriate authority for initiation of proceedings in

terms of the provisions of the said Act, for adjudication of illegal filling up of a water body and conversion thereof.

In the event, the petitioner comes to know from reliable sources that the entire construction of the respondent no. 8 was without any sanction from the gram panchayat or in deviation from the same, the petitioner will be at liberty to approach the panchayat authorities for necessary steps, in accordance with law. The petitioner can also approach the panchayat authorities for steps under Rule 22(2) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

This court has not entered into the merits of the allegations. The authorities and the competent court shall decide the issues as observed hereinabove.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)