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AN
RP

24.04.2023
Ct. No. 01

WPA (P) 243 of 2022

Shanti Ganatantra Sanghati Mancha and another
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed
Ms. Gulsanwara Pervin

... For the Petitioners

Mr. Jahar Lal De, senior advocate
Mr. Subhabrata Das

... For the State

1. We have heard the learned advocates for the parties.

2. By way of Public Interest Litigation, the petitioner seeks for a direction upon the official respondents, more particularly, the 2nd and 3rd respondent to restore a water body. The petitioner by way of supplementary affidavit has filed the land records which show that the land in question is registered as pond. Learned counsel for the State does not dispute the fact and it is stated that the land in question is registered as pond. The specific allegation is that the 4th and 5th respondent viz. Beauty Mallick and Nrimalya Ghosh who are the Officers working in the Office of the Block Land and Land Reforms Officer, North 24 Parganas are helping the encroachers to fill up the pond and attempting to put up construction for some illegal gains. It is also brought on record by the petitioner that already the Block Land and Land Reforms Officer, North 24 Parganas has issued notice to those persons who are engaged in the filling up of the pond and

they were directed to stop conversion of the land illegally and hearing was also scheduled to be held. However, till date, no appreciable work has happened which necessitated the petitioner to approach this Court by way of the Public Interest Litigation. As long as the classification of the pond is not disputed, the 2nd and 3rd respondents are to ensure that the pond should be preserved as such.

3. Therefore, there will be a direction upon the 2nd and 3rd respondents to immediately take steps on war footing basis. If any part of the pond is filled up, the same should be removed and the pond should be restored to its original position. The cost of such restoration shall be recovered from such persons, who are stated to be the recorded owners, who have illegally encroached the pond and filled up the pond. Apart from that the action be taken under the relevant laws against such of those persons who have filled up the pond and put up illegal construction thereon after issuing notice and after affording an opportunity to the parties concerned.

4. The above directions shall be complied with within a period of eight weeks from the date of receipt of the server copy of this order and if there is any threat perception to the petitioner or any other villagers, a complaint be lodged and necessary protection be given so that during the course of hearing which the Block Land and Land Reforms Officer, North 24 Parganas may conduct, no untoward incident should occur.

5. Hence, with the above observations and

directions, the writ petition stands **disposed of**.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)