

08.05.2023

Item No.4

Ct. No.1

PG/KS

W.P.A.(P) 204 of 2023

Ganesh Ghosh & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri

Mr. Rajesh Naskar

Ms. Tithi Mazumder

.....for the Petitioners

Mr. Jahar Lal De

Mr. Rudranil Dey

.....for the State

1. This writ petition styled as a public interest litigation seeks for a direction upon the authorities to immediately stop the private parties from filling up a land, which according to the writ petitioners, has been classified as a water body.
2. Admittedly, the said land, which according to the writ petitioners, is classified as a water body belongs to a private party and there is already a dispute between the said land owner and others and the Sub-Divisional Executive Magistrate, Purulia was seised of the Miscellaneous Case No.253 of 2015 being an application for drawing

up a proceeding under Section 144 of the Code of Criminal Procedure.

3. Learned advocate appearing for the respondents/State submits that in terms of notification dated 20th July, 2017, the authority, which is empowered to take action under the West Bengal Inland Fisheries Act, 1984 is the Municipal Commissioner/ Commissioner/ Executive Officer in respect of municipal areas and the District Magistrate within their revenue districts except the municipal areas.
4. We give liberty to the writ petitioners to approach the concerned authority by way of a comprehensive representation enclosing copies of the earlier representation and the copy of this order. The said authority shall consider the representation, issue notice to all concerned and take a decision on merits and in accordance with law as expeditiously as possible but preferably within a period of 30 days from the date of receipt of server copy of this order.
5. We make it clear that we have not gone into the merits of the allegations made by the writ petitioners, more particularly, when we have not issued any notice to the private respondents and it is for the said authority to take action in accordance with law.

6. With the above observations, the writ petition stands disposed of.
7. There shall be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)