

05.06.2023
Item No.11
gd/ssd

WPA(P)/222/2023
TUSHAR KANTI GHOSH
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Soujanya Bandyopadhyay
..for the Petitioner.

Mr. Jahar Lal De,
Mr. Nilotpall Chatterjee
..for the State.

1. By this public interest litigation the petitioner seeks for action to be taken on the representation given by the petitioner alleging that an embankment of water body is being cut and the consequences would be that there will be a loss of crops in more or less 10,000 bighas of land.

2. On a perusal of the representation dated 18.11.2019 we find that several allegations have been made against various officers such as the Superintending Engineer, the Executive Engineer, the Sub-Divisional Officer etc. However, none of those persons though named in the representation have been impleaded as respondents in their personal capacity in the writ petition. Therefore, we cannot go into any such allegation made against the officers in their personal capacity. Be that as it may, if there is any destruction to embankment, it is a serious matter.

3. The learned advocate for the petitioner has drawn our attention to a communication sent by the Executive Engineer, Basirhat Irrigation Division to the Additional District Magistrate (Development), Barasat, North 24-Parganas wherein a direction has been issued to form a committee on urgent basis comprising of officials from general administration, police administration, assistant engineer from department and elected representatives to resolve the issue which has been pointed out by the writ petitioner, Mr. Tushar Kanti Ghosh and Others. Thus, prima facie, it appears that there was certain illegal action taken to damage the river embankment.

4. Thus, considering the nature of grievance expressed, without going into the merits of the allegations made by the writ petitioner in the representation, we direct the 5th respondent to consider the representation given by the petitioner and conduct a site inspection and proceed to take action in accordance with law after issuing prior notice to all concerned. In order to enable the 5th respondent to comply with this direction, we direct the writ petitioner to submit a fresh representation along with the copy of this order and the copy of the earlier representations and annexures and forward the same to the 5th respondent. The 5th respondent is directed to take expeditious steps in the matter after issuing notice to

all concerned preferably within a period of 12 weeks from the date of receipt of the fresh representation directed to be submitted.

5. With the above direction, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)