

18.04.2023  
Item No.15  
gd/ssd

WPA(P)/283/2022  
BHOLA NATH MONDAL AND ORS.  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Subhasish Pachhal  
..for the Petitioners.

Mr. Tarak Karan  
..for the State.

Mr. Sabyasachi Chatterjee  
..for the Respondent Nos.13 and 14.

1. By this public interest litigation the petitioners seek for a direction to remove the unauthorized construction put up in a water body.

2. From the report submitted in the form of an affidavit on behalf of the first respondent it has been stated as follows:

“iii) The respondent no 13 duly complied with the directions of the Respondent no 4 and on 22.02.2021 an inspection was held by the Revenue Inspector who thereafter filed a report dated 26.02.2022 along with coloured photographs to the Respondent no 7 in the matter inter alia reporting that the respondent no 13 had created a compensatory water body at the demarcated plot. A copy of the report dated 26.02.2022 along with the annexed photographs is annexed hereto and marked “R-2”.

iv) In view of the aforesaid, vide a Memo No 1367-Fish/F1-37/11/2020-LAW CELL dated 03.08.2022 an order was passed by the Fisheries Department, inter alia according “No Objection” to conversion of the said water body from “pukur” to “commercial bastu” land in favour of the Respondent no 13. A copy of

the said order dated 03.08.2021 is annexed hereto and marked "R-3".

3. From the above, it is seen that already certain orders have been passed which enure in favour of the private respondents. Therefore, at this juncture the relief sought for cannot be granted. However, it will always be open to the writ petitioners to question such action of the authorities as mentioned in the report filed on behalf of the first respondent.

4. With the above liberty, the writ petition stands disposed of.

**(T. S. SIVAGNANAM)**  
**ACTING CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**