

09.10.2023

Ct.No. 24

Sl.No. 23

Amalranjan

WPA 12694 of 2023

Smt Malati Ghosh and Ors.

Vs.

The State of West Bengal & Ors.

Mr. Rameshwar Sinha

...for the petitioners

Mr. Kalyan Kumar Chakraborty

Mr. Sukanta Ghosh

...for the private respondent no. 7

The petitioner seeks consideration of the objection filed before the Pradhan of Ghurisa Gram Panchayat alleging illegal filling up of a water body.

Without entering into the merit of the claim of the parties, the instant writ petition is disposed of by directing the Ghurisa Gram Panchayat to consider and dispose of the legal representation dated 10th May, 2023 filed on behalf of the petitioners in accordance with law after giving reasonable opportunity of hearing the petitioners as well as the private respondent and other necessary parties.

If it transpires that the water body is filled up unauthorisedly, then necessary consequential steps shall be taken to restore the water body to its original form. A decision shall be taken at the earliest but positively within a

period of twelve weeks from the date of consideration of the representation.

The concerned Gram Panchayat shall only decide the issue of illegal filling up of the water body and not enter into or decide any private disputes between the parties.

It is made clear that this Court has not gone into the merit of the claim of the respective parties and all points are left open to be decided by the aforesaid respondent after hearing the submissions of the respective parties. The parties shall be entitled to rely upon all documents in support of their claim.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 10th May, 2023 to the concerned Gram Panchayat at the time of communicating the order of this Court.

The Officer-in-Charge, Illambazar Police Station and Pradhan of the Gram Panchayat are directed to ensure that the water body is not filled up by any parties whatsoever.

The writ petition is, accordingly, disposed of.

Urgent certified photo copy of this order, if applied for, be given to learned advocates for the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)