

September 13, 2023
ARDR (18)

WPA 14686 of 2023

Sk. Abdur Rouf
Vs.
The State of West Bengal & ors.

Adv. Bhagbat Chowdhury,
Adv. Sk. Toslim Ali,
...for the petitioner.

Adv. Sayan Chatterjee,
Adv. Imtaze Ahamad,
Adv. Kaustav Sen,
Adv. Esha Das,
...for the respondent nos. 8 to 10.

Adv. Supratim Dhar,
Adv. Anujit Mukherjee,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

Pursuant to an order passed by this Court on 18th July, 2022 in WPA 8606 of 2022 directing the Assistant Director of Fisheries, Howrah to consider and dispose of the representation submitted by the petitioner therein within a stipulated time frame, the representation submitted by the petitioner was taken up for hearing by the said authority who by a letter dated 9th Mach, 2023 informed that the said authority was not the competent authority in terms of the Inland Fisheries act, 1984 to deal with the representation.

The notification published by the Government of West Bengal, Department of Fisheries, Aquaculture, Aquatic Resources and Fishing Harbours dated 20th July, 2017 demonstrates that the District Magistrate is the

competent authority to deal with the representation submitted by the petitioner.

In view thereof, the petitioner submitted a fresh representation before the District Magistrate, Howrah on 15th March, 2023 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 15th March, 2023 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the aforesaid observations and directions, the writ petition, being WPA 14686 of 2023 is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)