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04.10.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 18437 of 2023

**Sudarshan Halder
-versus
The State of West Bengal & Ors.**

**Mr. Pankaj Halder.
...For the Petitioner.**

**Mr. Anand Farmania,
Ms. Indumouli Banerjee.
...For the State.**

**Mr. Krishnendu Bera.
...For the Respondent No.9.**

The petitioner alleges illegal and unauthorized construction over a water body at the instance of the private respondent.

Learned advocate appearing for the private respondent submits that no water body exists at the subject place. A mud house was existing which got damaged during the Amphan Cyclone. Permission was sought for reconstruction of the house.

Learned advocate appearing for the State respondents has obtained instruction from the Block Land and Land Reforms Officer, Mathurapur-I, South 24-Parganas wherein it has been specifically mentioned that on enquiry it was detected that the Doba appertaining to plot No. 212 (L.R.) has been filled up illegally.

The Block Land and Land Reforms Officer, Mathurapur-I, South 24-Parganas vide communication dated 7th August, 2023 has intimated the private respondent to restore the Doba to its original form by removing the earth from the Doba at his cost.

Prima facie, on a perusal of the report filed by the Block Land and Land Reforms Officer, Mathurapur-I, South 24-Parganas, it appears that the Doba has been filled up for raising construction.

The private respondent however, denies the same.

To adjudicate the issue, the Block Land and Land Reforms Officer, Mathurapur-I, South 24-Parganas is directed to cause spot inspection upon prior notice to all the necessary parties to ascertain as to whether the construction in question has been made over a water body or not and thereafter grant an opportunity of hearing to the petitioner and the private respondent and all other parties including the Pradhan of the Gram Panchayat.

In the event it transpires that the construction has been made over a water body, necessary steps shall be taken to remove the same.

A decision shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)