

Item No.242

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

04.10.2023
Ct-24

WPA 18969 of 2023
Ranajit Kumar Mondal & Ors.
v.
The State of West Bengal & Ors.

Mr. Manas Kumar Das
Mr. Lakshminath Bhattacharya
Mr. Tushar Sil
... for the petitioners.

Mr. Nabhajit Prasad Basu
Ms. Rajyashree Mukherjee
... for the State.

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
... for the respondent nos. 14-18.

The petitioners allege illegal and unauthorized construction at the behest of the private respondents over a water body.

The private respondents allege that the petitioners are responsible for raising construction over the selfsame water body.

It has been contended that the petitioners and the private respondents are co-owners of the pond in question.

A report has been placed before this Court by the BL & LRO, Mathurapur-1, South 24 Parganas wherefrom it appears that the land in question is recorded in favour of different raiyats including the petitioners and the same is classified as pond. Enquiry

was conducted by the Revenue Inspector, the Amin, the Fishery Extension Officer, Mathurapur-1 and other staff of the office and it transpired that the pond, in part, has been filled up.

As it appears that illegal construction has been detected over a water body, necessary steps shall be taken by the respondent no. 5, SDO, Diamond Harbour for removal of the unauthorized construction and for restoration of the pond to its original form.

The complaint of the petitioners and the counter complaint allegedly filed by the private respondents shall be disposed of simultaneously.

An opportunity of hearing shall be given to all the necessary parties prior to taking steps for removal of the unauthorized construction.

All unauthorized construction shall be removed at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Report of the BL & LRO dated October 4, 2023 be retained with the records.

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.

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(Amrita Sinha, J.)