

27th June,
2023
(AK)
21

W.P.A 20204 of 2022

Tripti Rani Das
Vs.
The State of West Bengal and others

Mr. Sk. Mustak Ali
...for the petitioner.

Despite service, none appears for the respondents.

Affidavits-of-service filed in court today be kept on record.

Learned counsel for the petitioner argues that the petitioner's property is being affected severely due to induction of salt water in a water body immediately adjacent to the petitioner's property by the private respondent for the purpose of shrimp farming.

Despite the petitioner having made complaints before the authorities, no steps were taken, for which the writ petition was necessitated.

However, after the writ petition being filed, a copy of a communication dated August 30, 2022 to the private respondent was forwarded to the petitioner by the respondent authorities.

It transpires from the same that it was pointed out that the shrimp farming was being carried on by the

private respondent without conversion of their land under Section 4(C) of the West Bengal Land Reforms Act, 1955.

In the said communication, the authority, that is, the Assistant Director of Fisheries, also instructed the private respondent to stop the shrimp farming immediately unless and until the private respondent did not get the conversion certificate of land and CAA registration.

However, till date, no legal action has been taken in pursuance of the said communication dated August 30, 2022, thereby ignoring the representations of the petitioner.

It is apparent from the representations annexed to the writ petition and the averments made therein, as well as the copy of the communication by the authorities to the private respondent, which was forwarded to the petitioner and is kept on record, that as per the authorities themselves, the shrimp farming carried on by the private respondent is being done illegally without proper conversion in accordance with law by the private respondent.

However, nothing has been produced before this court to satisfy the court that appropriate legal action has been taken in that regard, pursuant to the communication dated August 30, 2022 or otherwise.

Hence, WPA 20204 of 2022 is disposed of by directing the Assistant Director of Fisheries (Brackish Water), Contai, to immediately initiate legal action against the private respondent and all others concerned, pursuant to the communication dated August 30, 2022 made by the said authority to the private respondent and in terms of the representations made by the petitioner, for alleged activities of shrimp farming being carried on by the private respondent on his property without conversion of the land under Section 4(C) of the West Bengal Land Reforms Act and also without registration of his firm maintaining CAA Guidelines of the CAA Act, 2005 (Coastal Aqua Culture Authorities Act).

Such proceeding shall be initiated within a fortnight from the date of communication of this order to the said respondent, that is, the Assistant Director of Fisheries.

Upon initiating such proceeding, the said authority shall give appropriate opportunity of hearing to all concerned, including the private respondent and the petitioner and any other interested person, and decide the proceeding as expeditiously as possible, preferably within three months of the date of initiation of the same.

The parties shall act on a server copy of this order, coupled with the written communication of the learned Advocate appearing for the petitioner.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)