

28.08.2023
Item No.12
gd/ssd

WPA(P)/450/2023
SOYEB AMIN
VS
STATE OF WEST BENGAL AND ORS.

Mr. Pinaki Ranjan Mitra
..for the Petitioner.

Mr. Indranil Roy,
Mr. Tapas Kr. Mandal
..for the State.

1. By this public interest litigation the petitioner claims that the private respondents have illegally filled up the water body and putting up unauthorized construction at Holding Nos.96 and 97/1, Molla Para Lane, Shibpur, Howrah.

2. The respondent/police, namely, the Inspector in-Charge, Shibpur Police Station has submitted a report dated 28.08.2023 wherein the action taken by the police has been set out and it is also mentioned that the petitioner has filed MP Case No.747 of 2023 under Section 144(2) Cr.P.C. before the Executive Magistrate, 2nd Court, Howrah and hearing has been fixed in the matter. Apart from that, it is stated in the report that the writ petitioner's father has filed a case in Title Suit No.248 of 2012 before the Civil Judge (Senior Division), 3rd Court, Howrah and subsequently filed Miscellaneous Case No.06 of 2019 which are pending before the said court.

3. It is seen from the documents annexed in the petition that the representation given by the petitioner has been taken note of by the Sub-Divisional Land and Land Reforms Officer, Sadar, Howrah and the complaint has been forwarded to the 7th respondent, namely, the Officer-in-Charge, Town Survey Unit, Howrah by memo dated 31.07.2023. It is not clear as to what further action has been taken by the 7th respondent.

4. Since we are disposing of this writ petition without calling for affidavits from the private respondents, we do not wish to express anything on the merits of the allegations made by the writ petitioner against the private respondents, namely, 10th to 15th respondents.

5. However, since the matter has already been forwarded to the Officer-in-Charge, Town Survey Unit, Howrah, we direct the said officer, namely, the 7th respondent to take note of the complaint, issue notice to the private respondents as well as the writ petitioner and after affording an opportunity of personal hearing to all the parties, appropriate orders be passed on merits and in accordance with law.

6. The 7th respondent shall also issue notice to the Inspector in-Charge, Shibpur Police Station so that the materials available to the said police can also be

placed before the 7th respondent during the enquiry which is to be conducted.

7. The above direction be complied with within a period of three weeks from the date of receipt of the server copy of this order.

8. We once again make it clear that we have not gone into the allegations made in the writ petition and it is for the 7th respondent to proceed in accordance with law after hearing all concerned.

9. With the above observations, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)