

28
15.12.2023
d.p.

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

W.P.A. 21582 of 2023

**Jharna Karmakar
-versus
The State of West Bengal & Ors.**

**Mr. Arun Naskar.
...For the Petitioner.**

**Ms. Suman Singh.
...For the State.**

**Mr. Abhishek Halder,
Ms. Madhurima Basu.
...For the Respondent
Nos. 6 and 7.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner complains that the private respondent nos. 9 to 12 being co-owners of a water body have illegally filled up the water body and raised construction thereon without any permission from the Panchayat and without obtaining the consent of the petitioner who happens to be one of the co-owners of the water body.

Complaint was lodged before the Pradhan of the Gram Panchayat in July 2023 but the same has not been responded till date.

Learned advocate appearing for the Pradhan of the Gram Panchayat submits, upon instructions, that after receipt of the writ petition a show cause notice has

been issued to the private respondents. The date of hearing has been fixed on 21st December, 2023.

Learned advocate appearing for the Pradhan is directed to hand over copy of the notice to show cause upon the petitioner so that he gets to know about the next date of hearing.

The petitioner may also file detailed representation highlighting all illegalities.

As date has been scheduled for hearing on 21st December, 2023, the Pradhan is directed to hear all the necessary parties on the issue and cause spot inspection to ascertain as to whether the water body has been filled up or not.

The Pradhan shall take all measures to ensure that the water body is not filled up and the same is restored to its original state.

In the event unauthorized construction is detected, necessary steps to deal with the same in accordance with law shall be taken by the Pradhan.

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.)