

25.09.2023

Item No.7

Ct. No.1

PG/RP

W.P.A.(P) 497 of 2023

Sanjay Karmakar & Ors.

Versus

The State of West Bengal & Ors.

Mr. Tanmay Basu

Mr. Manoj Adak

Mr. Asif Iqbal.....for the petitioners

Mr. Sk. Md.Galib

Ms. Sujata Mukherjee.....for the State

Mr. Subir Banerjee

Mr. Arka Banerjee.....for the private respondents

1. By this writ petition, the petitioners allege that the private respondents, namely the respondent nos. 10 to 12 have illegally converted a water body, which has been classified as 'Khal' and is recorded in the name of the Government of West Bengal and have executed fraudulent deeds and sold away the property, filled up the khal and construction is being made. In this regard, a complaint/representation has been made to the District Magistrate, Malda, namely the 4th respondent.
2. The 2nd respondent, namely the Inspector-in-Charge, English Bazar Police Station, Malda has filed a report before this Court from which it is seen that based on a complaint given by the 5th writ petitioner, a criminal case has been

registered against the 10th respondent and charge sheet has been submitted and there is a counter case based upon the complaint given by the 10th respondent, in which charge sheet has also been laid.

3. Be that as it may, since the writ petition is being disposed of without calling for affidavits and since the learned advocate appearing for the private respondents would deny the allegations made against his clients, without going into the merits of the allegations made by the petitioners, we would direct the District Magistrate, Malda to consider the representation and cause an inquiry into the matter and if any illegality is being detected, necessary action be taken in accordance with law after notice to the private respondents as well as to all concerned. Needless to state that the District Magistrate shall inquire into the allegation with regard to conversion of the character of the property.
4. This direction be complied with within a period of six weeks from the date of receipt of server copy of this order.
5. With the aforesaid directions, the writ petition is disposed of.
6. No costs.

7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)