

351. 05.12.2023
bd. Ct.15

W.P.A. 24958 of 2015

Saranan Bagdi & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Biswajit Hazra

Mr. Archisman Sain ... for the petitioners.

Ms. Riya Ghosh

... for the State

By presenting this writ petition petitioners have laid a claim for settlement of a pond in their favour which situates at Dag No. 2272, Khatian No.-1, J.L. No. 18, Mouja- Khosbaspur, in the district of Murshidabad since it has been submitted on behalf of the petitioners that for quite some time they are involved in pisciculture in the aforesaid pond.

A representation dated 2nd May, 2015 has been made by the petitioners addressed to the concerned panchayat authorities seeking settlement of the said pond and the same is kept pending. During course of hearing reliance has been placed on Rule 266 of the West Bengal Land and Land Reforms Manual, 1991 in order to demonstrate that management of ferries, fisheries with water area up to 5 acres, tanks with water area up to 5 acres and other interests have been provided to be transferred to the Panchayat Authorities with certain exceptions as delineated in Rule 2(i) to 2(vi). It has been submitted by the petitioners that the aforesaid pond was vested with the State but in terms of Rule 266 of the West Bengal Land and Land Reforms Manual, 1991 the management of the aforesaid pond lies with the concerned Panchayat Authorities therefore

Panchayat Authorities are the appropriate authorities to take decision on the prayer made by presenting the representation dated 2nd May, 2015.

State respondents are represented by learned advocate. However, no one is representing the panchayat authorities though affidavit of service has been filed which is taken on record.

Having considered the submissions made on behalf of the petitioners, Pradhan, Gokarna-I Gram Panchayat, District- Murshidabad, being the respondent no. 5 is directed to take decision on the representation of the petitioner dated 2nd May, 2015 which is at page 15 of the writ petition within a period of eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioners or their representative and the reasoned order shall be communicated to the petitioners within one week thereafter. The respondent no.5 shall be at liberty to hear other interested parties at the time of taking decision.

With the aforesaid direction the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)