

11 12.12.2023

gd/ssd

WPA(P)/584/2023
RAICH MOLLA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Pankaj Halder,
Mr. Neelabha Bera,
Mr. Bodhidipta Mandal

..for the Petitioner.

Mr. Amal Kumar Sen,
Ms. Sahina Sumi

..for the State.

1. By this public interest litigation the petitioner would state that the 8th respondent is illegally putting up construction in a water body.

2. In this regard, representation was submitted to the Sub-Divisional Officer, Diamond Harbour, Irrigation and Waterways Department/5th respondent.

3. The learned Government counsel appearing for the said respondent, on instruction, to state that the 5th respondent has addressed to the Block Land and Land Reforms Officer with regard to the status of the land and its classification.

4. It is not clear as to why the 5th respondent should address the 6th respondent and seek information instead of issuing notice to the 8th respondent and direct him to appear and produce land documents as well as his record of rights. Thus, the 5th respondent has miserably failed and discharged of his official duties.

5. In the light of the above, we direct the 5th respondent to immediately serve notice on the 8th respondent directing the 8th respondent to appear in person, produce all its documents as well as record of rights to establish that the property is not a water body. In the event the 8th respondent fails to establish that the land is not a water body the 5th respondent shall immediately take action to demolish any construction put up in the said lands alleged to be a water body and take appropriate criminal action as well. The Block Land and Land Reforms Officer/6th respondent is directed to give adequate assistance by providing the necessary records to the 5th respondent.

6. This direction be complied with within a period of three weeks from the date of receipt of the server copy of this order.

7. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)