

18.04.2024
Item No. 49
PG/KS
Ct. No.1

W.P.A (P) 2 of 2021
Anar Molla
Versus
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Ashok Kumar Nath.....for the Petitioner

Mr. Amitesh Banerjee, Ld. Sr. Standing Counsel
Ms. Ipsita Banerjeefor the State

Mr. Satyajit Mandal
Mr. Amar Nath Sen
Mr. Malay Dhar
Mr. Amit Bikram Mahalee.....for the respondents 6 & 7

1. By this public interest writ petition, the petitioner alleges that the private respondents i.e. the respondent nos. 6 and 7 are illegally encroaching into a water body.
2. Admittedly, the water body belongs to the respondent nos. 6 and 7 and the respondent nos. 6 and 7 have come before this Court and submitted an affidavit stating that they do not propose to put up any construction in the water body and they are in the process of putting up compound wall for which the respondent no. 8 has granted permission since garbage is dumped by the public of that area in the water body.
3. If that is so, the respondent nos. 6 and 7 should be permitted to put up the boundary wall to protect the water body making it clear that there shall be no dumping of garbage or waste material in the water body and the respondent nos. 6 and 7 are perpetually

restrained from, in any manner, converting the water body for any other purpose.

4. With the aforesaid observations/directions, the writ petition is disposed of.
5. No costs.
6. 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.)