

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 325 of 2024

Abdul Karim Molla
Vs.
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal
...for the petitioner

Mr. Jahar Dutta,
Mr. Manoj Kumar Mondal
...for the State

1. The petitioner complains that the petitioner, despite having obtained a lease agreement to conduct pisciculture over the water body, which is the subject matter herein, the petitioner is being prevented from doing so due to hectic attempts of the private respondent to fill up the pond and make constructions thereon.
2. It is submitted that though the petitioner made representations and complaints, no steps have yet been taken thereon. The petitioner is also armed with an order under Section 144 of the Code of Criminal Procedure but fears that he would not be able to conduct pisciculture due to the influence of the private respondent in the locality.
3. Heard learned counsel for the State.
4. Since the petitioner is enjoying an order under Section 144 of the Code of Criminal Procedure and

is always at liberty to renew the same, no particular direction need be passed on such count. It is obviously expected that the Officer-in-Charge of the Baruipur Police Station, that is, the respondent no. 6 herein, shall take care to implement the said order.

5. Insofar as the representations of the petitioner and the complaints regarding alleged filling up of water body is concerned, the respondent 3 and 5 are directed to immediately enquire into the matter in accordance with law, if necessary upon notice to the petitioner and the private respondent, and come to a prima facie conclusion as to whether the water body has been filled.

6. Such exercise shall be concluded positively within four weeks from date.

7. In the event the respondent nos. 3 and/or 5 come to the conclusion that there is prima facie violation of law and procedure by the private respondent attempting to fill up the water body-in-question, the said respondents shall take immediate action in accordance with law to prevent such illegal activities with regard to the water body immediately thereafter.

8. Parties shall act on the server copy of this order, without insisting upon prior production of a certified copy thereof.

9. There will be no order as to costs.

10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)