

10-07-2024
Item No.17
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.2693 of 2024
Naosad Sk @ Naosad Ali
-vs-
State of West Bengal & Ors.

Mr. Anindya Sundar Das
Mr. Sounak Ghosh
Mr. Syed Ali Afzal
Mr. Jannat Ul Firdous
Mr. Subrata Mondal
Ms. Kuheli Geyan
Ms. Paramita Mondal
Mr. Md. Sohail
Ms. Suva Gayen ...for the petitioner

Mr. Wasim Ahmed
Mr. Sk. Md. Masud ...for the State

Ms. Priyanka Patra ...for respondent no.10

The petitioner claims to be engaged in the business of pisciculture over 304 acres of rayati land. Allegation is that the private respondents are disturbing and preventing the petitioner from carrying on his business. Complaint was lodged before various authorities of the State Government, but no action is reported to have been taken.

On a query of the court as to whether the water body where the pisciculture activity is conducted is demarcated or not, it has been submitted by the learned advocate for the petitioner that demarcation has been made by bamboo fencing and fishing net.

Learned advocate representing the State

respondents has obtained instructions from the concerned police station that it is not possible for the police to identify the water body, not being demarcated, where the petitioner conducts pisciculture.

From the documents annexed to the writ petition, it appears that the petitioner approached the District Land & Land Reforms Officer for relief.

As the police have expressed their inability to identify the land of the petitioner, accordingly, he is granted leave to approach the District Land & Land Reforms Officer for proper identification of the land where pisciculture activity is being conducted and thereafter intimate the same to the concerned police station.

After the land is demarcated by the District Land and Land Reforms Officer, the petitioner may proceed with his prayer before the police for providing protection if he still faces resistance to conduct pisciculture activity over his own plot of land.

Learned advocate for the petitioner is directed to forward a copy of the representation submitted before the District Land & Land Reforms Officer for taking action in accordance with the direction passed hereinabove.

The District Land & Land Reforms Officer shall take steps for demarcation at the earliest but positively within four weeks of communication of this order, after giving a reasonable opportunity of hearing to all the necessary parties.

The Officer-in-Charge, Sagardighi police station is directed to ensure that there is no breach of peace at the

locale and that the life and property of the petitioner is not jeopardized at the hands of the private respondents.

The writ petition is disposed of accordingly.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]