

04.09.2024
Sl. No.30(ML)
srm

W.P.A. No. 3823 of 2024

Sk. Sanuar

Versus

The State of West Bengal & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Anirban Saha Roy,
Mr. Abhirup Haldar

...for the Petitioner.

Mr. Malay Singh,
Mr. Tapas Ballav Mandal

...for the State-respondents.

The respondent No.9 is not present before the Court, despite service. Thus, no mandatory directions can be passed, as prayed by the petitioner.

The petitioner submits that the respondent No.9 is constructing over a water body. The petitioner prays that the respondent authorities be directed to take steps in terms of the provisions of West Bengal Inland Fisheries Act, 1984

This Court is of the view that the concerned authority will decide the matter. The merits of the claim, is not be considered in this proceeding.

The report of the police authorities is taken on record. It appears from the report that the respondent No.9 had filed a suit being Title Suit No.50 of 2022 before the learned Civil

Judge (Junior Division), 1st Court at Contai, Purba Medinipur, which was dismissed. The police report, however, *prima facie*, supports the case of the petitioner.

The writ petition is disposed of directing the competent authority under the West Bengal Inland Fisheries Act, 1984 to consider the representation of the petitioner, which is Annexure P5 at page 37 of the writ petition, upon granting an opportunity of hearing to the petitioner and the respondent No.9 as also to the local authorities.

As the order of this Court shall not be construed as an opinion on the merits, the competent authority will decide the entire aspect independently within a period of three months from the date of communication of this order. Necessary orders will be passed and implemented.

The petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the competent authority.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)