

04.09.2024
Sl. No.31(ML)
srm

W.P.A. No. 4214 of 2024

Susanta Patra & Anr.

Versus

The State of West Bengal & Ors.

Ms. Chaitali Bhattacharya,
Mr. Kartik Chandra Kapas

...for the Petitioners.

Mr. K.J. Yusuf,
Ms. Rupsha Chakraborty

...for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.7 and 8. Affidavit-of-service is taken on record.

The petitioners allege that the said respondent Nos.7 and 8 have illegally broken an embankment on Bidyadhari River, which led to flooding of the petitioners' land with saline water. Such damage and destruction of the embankment is a punishable offence. The agricultural activities have suffered on account of such mischief.

Learned Advocate for the State-respondents submits, on instruction, that the allegation is not correct.

However, this is a disputed question which cannot be gone into by this Court.

Under such circumstances, the respondent No.2, *i.e.*, the Collector, North 24-Parganas is directed to treat the writ petition as a representation of the petitioners and dispose of the same upon hearing the petitioners, the respondent Nos.7 and 8 and the local authorities, who are responsible for construction, repair and maintenance of the embankment.

Before deciding the matter, an inspection shall be held by the Collector, through his authorised agent in the presence of the local authorities, the petitioners and the respondent Nos.7 and 8. A report shall be prepared with photographs, which shall be supplied to the parties. The parties will be entitled to answer to such report and thereafter a hearing shall be given to the parties. Upon completion of hearing, a reasoned order shall be passed and communicated.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

The petitioners are directed to serve a copy of the writ petition along with a server copy of this order upon the respondent No.2.

The writ petition is, thus, disposed of.

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.)