

Court No. 2
22.11.2024
(Item No. 26)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8006 of 2024

Hajra Khan & Anr.
VS
The State of West Bengal & Ors.

Mr. Gobinda Chandra Baidya
Mr. Gobinda Baidya
.... For the petitioners
Mr. Ayan Banerjee
Mr. Amrita Lal Chatterjee
.... For the State

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Gobinda Chandra Baidya, learned advocate appears for the petitioners.

Mr. Amrita Lal Chatterjee, learned advocate led by Mr. Ayan Banerjee, learned advocate appears for the respondent Nos. 1 to 6.

None appears for the respondent No. 7, despite notice.

None appears for the private respondent Nos. 8 to 11, despite notice.

The petitioners complain of filling up of a water body in an illegal and wrongful manner and construction thereupon at the behest of the private respondents. The petitioners submitted a representation dated **January 15, 2024 at page-24** to the writ petition, but the same has not yet been disposed of.

The petitioner shall serve a copy of the complete set of writ petition along with a copy of today's order upon the respondent No. 2.

In view of the above, the respondent No. 2 then upon issuing a prior hearing notice of at least seven days to the petitioners, private respondents and respondent No. No. 5 and after granting an opportunity of hearing to them shall decide the said issue in the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent No. 2 within a period of **eight weeks** from the date of receiving a copy of the writ petition along with a copy of today's order and the reasoned order shall be communicated to the petitioners, respondent No. 5 and private respondents within a period further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the rival contentions of the petitioners or the private respondents and they shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 2 but the same shall not travel beyond the case made out in the writ petition.

In the event, the reasoned order confirms the illegal filling up of the water body and the illegal construction thereupon the respondent No. 2 and/or any other appropriate State authority shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law but positively within a period of **six weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioners or in favour of the private respondents, if they do not succeed to their respective contentions before the respondent No. 2 strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 8006 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)