

06.06.2024
Item No.15
gd/ssd

WPA/15163/2024
KRISHNENDU MONDAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sankar Prosad Dalapati,
Mr. Kalyan Chatterjee,
Ms. Sudeshna Mondal
..for the Petitioner.

Mr. Binoy Kumar Das,
Mr. Subhadeep Maitra
..for the State.

Md. Sarwar Jahan,
Mr. Dipankar Mandal
..for the Respondent Nos.8 and 9.

Affidavit of service filed today is taken on record.

Mr. Sankar Prosad Dalapati, learned counsel appearing for the petitioner referring to **page 22** to the writ petition submits that the petitioner has submitted a representation dated **May 24, 2024** before the State Authorities including the respondent no.4. The same has not yet received the attention of the said State Authorities.

Mr. Binoy Kumar Das, learned advocate appears for the State respondents.

Mr. Sarwar Jahan, learned counsel appears for the respondent nos.8 and 9 through virtual mode.

The petitioner contends that the private respondents have changed the nature and character of the fisheries land/wetland.

Mr. Sarwar Jahan, learned counsel denies and disputes the contention of the petitioner.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no.4 upon issuing a prior hearing notice of at least seven days to the petitioner, respondent no.2 and respondent nos.8 and 9 after granting an opportunity of hearing to them shall decide the said representation of the petitioner dated **May 24, 2024** as referred to above by passing a reasoned order in accordance with law.

The respondent no.4 shall carry out and complete the entire exercise as directed above positively within a period of six weeks from the date of communication of this order and shall communicate the reasoned order to the participating parties in the hearing positively within a 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 contentions of the parties raised before this court in any manner.

The parties shall be at liberty to urge whatever points they wish to urge by relying whatever records

and documents they wish to rely upon before the respondent no.4.

This order shall not create any right or equity in favour of the petitioner in the event he is not eligible to receive his claim strictly in accordance with law.

In the event the reasoned order goes in favour of the petitioner, then all the jurisdictional State Authorities including the respondent no.4 shall take all possible and necessary steps strictly in accordance with law to restore back the nature and character of the original land positively within a period of four weeks from the date of the reasoned order to be communicated to the parties.

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

With the above observations and directions, this writ petition, **WPA 15163 of 2024** stands **disposed of** without any order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(ANIRUDDHA ROY, J.)