

D/L.25.
November 20, 2024.
KAUSHIK

WPA No. 16245 of 2023

Rabin Kumar Mondal
Vs.
The State of West Bengal and Others

Mr. Debabrata Sarkar

... for the petitioner.

Mr. Pradip Kumar Mondal
Mr. Arka Mondal

...for the respondent nos. 9 & 10.

Mr. Lalit Mohan Mahata
Mr. Ziaul Hoque
Mr. Milon Kumar Maity

...for the State.

The grievance of the petitioner is directed against an alleged illegal construction on a water body.

It is alleged on behalf of the petitioner that the private respondent nos. 9 and 10 have illegally and unlawfully constructed a 'Tea Stall' on a water body without lawful permission.

The State is represented and submits that there is a serious question of jurisdiction in so far as any alleged grievance of the petitioner can only be raised under Section 17A of the West Bengal Inland Fisheries Act, 1984 and the Competent Authority to decide the same is the District Magistrate, South 24-Parganas.

The private respondents are represented and submit that the entire grievance of the petitioner is false and baseless. The subject premises is fully acquired by the family of the petitioner and there is no question of any construction having been taken place in the land belonging to the petitioner. In view of the above, there is no merit in the present writ petition.

In view of the above and in the light of the jurisdictional issue raised by the respondent State, WPA 16245 of 2023 stands disposed of by granting liberty to the petitioner to raise any claim under the West Bengal Inland Fisheries Act, 1984 in accordance with law, if so advised.

The instructions filed on behalf of the State be kept with the records.

(Ravi Krishan Kapur, J.)