

01.08.2024
Item No. 23
PG/RP
Ct. No.1

W.P.A. (P) 289 of 2024

**Amal Singh & Ors.
Versus
State of West Bengal & Ors.**

Ms. Nandini Mitra
Mr. Samim Ahammed
Ms. Saloni Bhattacharya
Ms. Gulsanwara Pervinfor the petitioners

Mr. Jahar Lal De
Mr. Supratim Dhar.....for the State

Mr. Sukanto Chakraborty
Mr. Zubair Ahmed.....for the respondent no. 5

1. This writ petition has been filed praying for a direction upon the respondent authorities to restore the water body by implementing the order passed by this Court on 18th April, 2023 in W.P.A(P) 347 of 2022. The operative portion of the order reads as follows:

“3.It is seen from the annexures that the Block Land and Land Reforms Officer has issued notice under Section 4C(5) of the West Bengal Land Reforms Act, 1955 to the Secretary, Zilla Parishad, South 24-Parganas.

4. In the said notice it has been directed that the plots which are presently used as “Danga” has been changed without permission from the Collector and violates the Provision of Section 4C(5) of the W.B.L.R. Act and hence, restoration to its earliest status has been advised as per the Provision of Section 4C(5) of the W.B.L.R. Act. This direction was issued on 31.03.2023.

5. As rightly pointed out by the learned Advocate for the petitioners that Plot No. 571 has been left out.

6. In the report of the Additional District Magistrate in Page 4 it has been stated that Plot No. 571 which is “Khal” as per the record of rights but there is no “Khal” at present physically as per the witnesses of local people and it is non-existent for a

long time. Though the “Khal” may be non-existent the property has to be preserved as a “Khal” and merely because for a long time water has not been flowing through the canal can be no reason to convert the “Khal” into any other use. Therefore, the Secretary, Zilla Parishad, South 24-Parganas should ensure that the “Khal” in Plot No. 571 continues to remain as a “Khal” in the record of rights and no mutation or changes should be made. The direction for restoration of the plots in accordance with the provision under Section 4C(5) of the W.B.L.R. Act as contained in the Memo dated 31.03.2023 upon the Secretary, Zilla Parishad, South 24-Parganas shall be commenced and completed within a period of three months from the date of receipt of a server copy of this order.”

2. Some private parties viz., Bimal Mondal & Anr. filed another writ petition in W.P.A.(P) 505 of 2023, in effect, seeking for review of the order dated 18th April, 2023 in W.P.A.(P) 347 of 2022. That writ petition was dismissed by order dated 25th September, 2023. Challenging the said order, Bimal Mondal & Anr. filed appeal before the Hon’ble Supreme Court in Special Leave to Appeal (C) No(s). 27058 of 2023, which was dismissed by the Hon’ble Supreme Court by order dated 15th December, 2023.
3. Thus, the order passed by this Court has attained finality and since the order dated 18th April, 2023 remains intact as on date, the authority is bound to comply with the directions. In the said order, a time limit of three months was granted to comply with the directions.
4. Considering the above facts, the authority concerned is directed to implement the order dated 18th April, 2023

within a period of three months from the date of receipt of server copy of this order. If the authority fails to comply the said order in its letter and spirit, stringent action shall be taken against the authority.

5. With the aforesaid observations, the writ petition is disposed of.
6. No costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)