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07.02.2024
jb.

W.P.A. 18955 of 2023
Baidyanath Matsya Chasi Swanirbhar Dal & Anr.
vs.
State of West Bengal & Ors.

Mr. Kaushik Chowdhury
.... For the Petitioners
Mr. Soumitra Bandyopadhyay
Ms. Suchana Banerjee
.... For the State
Mr. Salil Kr. Gupta
Mr. Habibul Islam
.... For the Respondent No. 3

It is not in dispute that the petitioners were granted lease of the water body in question by the Dakshin Dinajpur Zilla Parishad for pisciculture purpose for a period of three years from 1st April, 2022 to 31st March, 2025. The petitioners allege that upon permission granted by the Executive Engineer, Agri-Mech, Gangarampur, Dakshin Dinajpur being the 7th respondent herein, the local villagers are lifting water from the said water body for cultivation resulting in fall of water level which is destroying the fish therein. By a letter issued on 28th July, 2023, Additional Executive Officer, Dakshin Dinajpur Zilla Parishad requested the 7th respondent to take necessary action with regard to the alleged permission issued by the latter so that the lessee could continue to cultivate fish in the said water body.

Learned counsel for the 3rd respondent submits that in reply to the said letter the third respondent has received instruction from the 7th respondent which indicates that the petitioners are carrying on pisciculture without being concerned about the ecological balance of the water body in

question. Learned counsel submits that according to the said instruction the level of the water body therein is 5.3 ft. as on the date of inspection.

Petitioners submitted representation ventilating their grievance before the concerned authority on 1st August, 2023 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioners dated 1st August, 2023 within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)