

19.09.2024
Item No.10
PG/KS
Ct. No.1

W.P.A. (P) 336 of 2024

**Manoj Kumar Chatterjee & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
.....For the Petitioners

Mr. A. Roy, Ld. G.P.
Mr. T. Chakraborty
Mr. A. Sahu
.....For the State

Mr. Sirsanya Bandyopadhyay
Mr. Arka Kr. Nag
Mr. T. Dey
.....For the B.M.C.

Ms. Asha Gourisaria Gutgutia
.....For the N.C.T.E.

1. By this public interest litigation, the petitioners would contend that in respect of three plots, there has been illegal filling up of water body and no action has been taken despite the matter having been brought to the notice of the Commissioner, Bidhannagar Municipal Corporation by the District Land & Land Reforms Officer, North 24 Parganas by Memo dated 9th February, 2024. The said authority has also addressed to the Block Land & Land Reforms Officer, Rajarhat, North 24 Parganas by Memo dated 9th February, 2024.
2. The instruction received by the learned advocate for the Bidhannagar Municipal Corporation is that in respect

of Plot No.1422, there has been no human activity and same is the position in respect of Plot No.1433 and in respect of the other land i.e. 4059, there is no specific plot number. This stand taken by the Bidhannagar Municipal Corporation appears to be inconsistent with the orders passed by the Additional District Magistrate and D.L. & L.R.O., North 24 Parganas, Barasat under Section 4(4) of the West Bengal Land Reforms Act dated 18th February, 1999. Reading of the order clearly shows that one Tarak Chakraborty, who is the private respondent in this writ petition though was issued notice did not appear in the inquiry and there is a direction issued in the said order that the disputed Plot No.1422, which is classified as 'Pukur', a portion of which has been illegally filled up by the offender without prior permission of the appropriate authority should be restored to its original classification of 'Pukur' by digging up the filled up portion without one month from the date of communication of the order and there was also a direction to the B.L. & L.R.O. to cause service of the copy of the order sheet on Tarak Chakraborty and report compliance.

3. For all these years, nothing appears to have been done by the Bidhannagar Municipal Corporation. Therefore, there will be a direction to the Additional District Magistrate, Land & Land Reforms Department, North 24 Parganas/respondent no.10 to take forward the matter and implement the order dated 18th February,

1999 passed by the A.D.M. & D.L. & L.R.O., North 24 Parganas, Barasat under Section 4(4) of the West Bengal Land Reforms Act after issuing notice to the private respondents and necessary steps should be taken to restore the water body to its original position.

4. A direction shall be issued to the private respondents to do so within a time frame, failing which the authorities shall restore the water body and recover the entire cost from the private respondents.
5. The above direction be complied with within a period of four months from the date on which the server copy of this order is received.
6. In respect of the other two plots i.e. Plot No.1433 and Plot No.4059, Bidhannagar Municipal Corporation shall conduct a fresh inspection and proceed to take action on the same line as in respect of Plot No.1422, in the event, if it is found that there is an illegal filling up of water body.
7. With the aforesaid directions, writ petition stands disposed of.
8. No costs.
9. 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.)