

20
22.05.2024
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 20386 of 2023

**Mahadev Das
-versus
The State of West Bengal & Ors.**

**Mr. Arijit Chatterjee.
Mr. Kalidas Saha.
...For the Petitioner.**

**Mr. Kaushik Roy
... for Khardah Municipality.**

**Mr. S. Chakraborty.
Mr. P. Sarkar.
... for the Respondent no. 10.**

**Mr. Bibekananda Tripathy.
Mr. Biswajit Das.
... For the State.**

On perusal of the report filed by the Sub Divisional Officer, Barrackpore, North 24 Parganas signed on 15th May, 2024 and the undated report of the Khardah Municipality signed by the Executive Officer and the Assistant Engineer it appears that, a temporary thatched structure along with toilet has been constructed over a plot of land which is recorded as 'pukur' without obtaining any permission/sanction from the competent authority.

The private respondent submits that the said construction is in place for a considerable period of time.

The petitioner admits that there has been delay in approaching the Court because the petitioner

apprehended threat from the persons responsible for making construction who are extremely influential.

It appears from the submission made on behalf of the parties and upon perusal of the materials on record that the water body has been filled up and construction raised thereon. Steps ought to be taken to restore the water body to its original state.

The District Magistrate, North 24 Parganas is directed to take steps to restore the water body to its original form.

Steps shall be taken in the matter at the earliest but positively within a period of six months from the date of communication of this order.

Leave is granted to the advocate-on-record of the petitioner to implead the District Magistrate, North 24 Parganas as party respondent in the instant writ petition. The requirement of serving an advance copy of the writ petition upon added respondent is dispensed with as the State is already represented by the learned advocate.

The petitioner is, however, directed to forward a copy of the writ petition and the copy of this order to the District Magistrate for compliance of the direction passed hereinabove.

The Sub Divisional Officer, Barrackpore and the Khardah Municipality are directed to forward records to the District Magistrate for effective compliance of the direction passed hereinabove.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)