

20.11.2024
Item No.2
PG/KS
Ct. No.1

W.P.A.(P) 469 of 2024

**Md. Salauddin Khan
Versus
The State of West Bengal & Ors.**

Mr. Rishabh Ahmad Khan
.....For the Petitioner
Mr. Jahar Lal De
Md. Shamim Ul Bari
.....For the State

1. The petitioner by way of filing this public interest litigation has alleged that the private respondent viz. respondent no.11 is illegally filling up a waterbody. In this regard, a complaint was sent to the concerned officials including the Maheshtala Municipality.
2. Mr. De, learned counsel appearing for the State has produced the written instruction given by the Inspector-in-Charge, Rabindranagar Police Station, South 24 Parganas District from which it is seen that the complaint given by the writ petitioner was taken on file and a case has been registered in Rabindranagar Police Station F.I.R. No.524 dated 11th November, 2024 under Section 17A of the Inland Fisheries Act and Section 204A of the Municipality Act against the private respondent.
3. Further, it is stated in the report that no filling up of waterbody is going on in the scheduled property and

the police are keeping sharp vigil in the matter so that no breach of peace will take place in the locality.

4. The written instruction given by the Inspector-in-Charge is placed on record and there will be a direction to the Inspector-in-Charge, Rabindranagar Police Station to proceed with the investigation of F.I.R. No.524 and file a charge-sheet at the earliest.
5. So far as the restoration and protection of the waterbody is concerned, it is the municipality, which is to take a decision.
6. Therefore, there will be a direction to the writ petitioner to submit another representation to the Executive Officer/Municipal Commissioner of the concerned Municipality enclosing a copy of this order and also the copies of the earlier representation and photographs and the said authority shall consider the same, issue notice to the respondent no.11 and take action in accordance with law within a period of six weeks from the date on which the representation is submitted by the petitioner in terms of the above direction.
7. The learned advocate for the writ petitioner submitted that the respondent no.11 has engaged a group of people numbering about 50, who came to the residence of the writ petitioner and threatened the writ petitioner to withdraw this writ petition and in this regard, a complaint has been lodged before the Rabindranagar Police Station.

8. If that is so, the Inspector-in-Charge shall verify whether such complaint has been given and proceed to investigate the matter in accordance with law.
9. With the above observations/directions, writ petition stands disposed of.
10. No costs.
11. 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.)