

10.09.2024
Item No.13
gd/ssd

CPAN/1749/2023
PRIYANJANA MAJUMDER AND ANR.
VS
H K DWIVEDI CHIEF SECRETARY NABANNA
BHAWAN AND ORS.
in
WPA(P)/358/2023
PRIYANJANA MAJUMDER AND ANR.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Abhishek Sikdar,
Mr. Santanu Chakraborty,
Ms. Sahili Dey
..for the Petitioners.

Ms. Sonal Sinha,
Ms. Shabnam Farooqui
..for the alleged Contemnor No.5.

Mr. Gurudas Mitra,
Ms. Paroma Sengupta
..for the alleged Contemnor No.6.

1. This contempt application has been filed alleging willful disobedience of the order and direction issued in WPA(P) 358 of 2023 dated 25.07.2023. The operative portion of the order reads as follows:

“1. Now that the illegal construction put up on the wetlands pursuant to the representation dated 7th December, 2022 has been stopped, it goes without saying that the 2nd respondent authority should ensure that the canal is restored to its original position. Therefore, there will be a direction to the 2nd respondent to immediately take up the work of restoration of the canal to its original position by removing all the illegal constructions, which were put up and such operation shall be commenced and completed within a period of three

months from the date of receipt of server copy of this order.

2. With regard to the second grievance expressed by the petitioners, namely with regard to illegal constructions being put up in wetlands in various places in and around the area pointed out by the petitioners, since a management plan has already been drawn by the 2nd respondent authority, what is required is effective implementation of the management plan and this will be possible only if the 2nd respondent acts in coordination and in conjunction with the other departments of the State.

3. The Court would opine that a vigilance team can be formed by the 2nd respondent authority by drawing officers from the Environment Department as well as from other departments including the officers from the office of the District Magistrate as well as the officials of the Department of Fisheries. This vigilance team shall be assisted by the concerned Superintendent of Police so that they can make periodic visits on various areas by conducting surprise inspections wherever illegal construction is being done, or wherever there is blockage of any water channel, the same shall be immediately looked into and such illegal activities be stopped and action be taken against those persons, who perpetrates such illegal activities.

4. Thereafter, the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the costs be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.

5. Such vigilance team shall be constituted within a period of eight weeks from the date of receipt of server copy of this order and effective steps be taken by the said vigilance team bearing in mind the observations made by this Court in this order.

6. It will be well-open to the said vigilance team to co-opt one of the petitioners as it appears that the petitioners have sufficient information with regard to the activities, which are being carried on in the said locality.

7. With the above observations/directions, the writ petition stands disposed of.”

2. As could be seen from the report dated 16.07.2024 submitted by the Chief Technical Officer, East Kolkata Wetlands Management Authority, it is seen that steps have been taken.

3. The petitioners have filed an exception to the report and would highlight about certain other issues which are yet to receive the attention of the authorities.

4. As could be seen from the above direction, the court had directed the authorities to form a vigilance team and take further action in accordance with law. This appears to have been done.

5. Therefore, we find there is no willful disobedience of the order and direction for action to be initiated under the Contempt of Courts Act.

6. In any event the authority may take note of the issues which have been pointed out by the

petitioners in the exception to the report filed by the East Kolkata Wetlands Management Authority dated 24th June, 2024 alleging that though the vigilance committee has been constituted, no actual action on ground has taken place till date.

7. Since the authority have already commenced for implementation of the order, it is needless to state that the authority should earnestly pursue the matter and take the matter to the logical end.

8. With the above observation, CPAN 1749 of 2023 stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)