

28
04.10.2024
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 2073 of 2024

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

**Mr. Bhaskar Roy Mahashaya,
Ms. Munmun Sonar.
...For the Petitioner.**

**Mr. Hirak Barman,
Mr. Bikash Singha.
...For the State.**

**Ms. Suman Sehanabis.
...For the Municipality.**

- 1.The petitioner is aggrieved by the act of the State respondents in excavating earth from the land and pond of the petitioner.
- 2.A report has been forwarded by the Deputy Director, ARD & P.O. Cooch Behar signed on 3rd October, 2024 which mentions that it has become essential to build up a boundary wall for the bio-security and safety of poultry farm.
- 3.The Managing Director, West Bengal Livestock Development Corporation Limited issued a work order in favour of one Srishti Construction to build up the boundary wall.
- 4.The Deputy Director, ARD & P.O. sought advice for demarcation of the boundary line. After demarcation by the Block Land & Land Reforms Officer, Cooch Behar-I construction started. As the water level of the pond increased after heavy rainfall, the work of construction was stopped from middle of July 2024.

5. According to the Department the boundary wall is being constructed in the government land as demarcated by the land department.
6. The Executive Officer of the Cooch Behar Municipality has forwarded an action taken report signed on 3rd October, 2024 which mentions that the site was visited and it was found that the pond/water body of the petitioner was filled with mud/earth. Trees around the pond have been cut and cleared without any information/intimation.
7. It appears that at present the work of construction of boundary wall is stopped because of the rains.
8. The Deputy Director, ARD & P.O., Cooch Behar is directed to cause a spot inspection upon notice to the Municipality and the petitioner to ascertain as to whether the petitioner's land is being used for construction of the boundary wall.
9. The concerned Block Land & Land Reforms Officer shall also remain present at the time of spot inspection. The spot inspection report shall be forwarded to the petitioner.
10. No construction shall be made over the land of the petitioner without acquiring the same in accordance with law.
11. The writ petition stands disposed of.
12. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)