

17.04.2025
Item No.27
gd/ssd

WPA(P)/37/2025
SANKAR KUMAR MAITRA
VS
UNION OF INDIA AND ORS.

Mr. Sabyasachi Chatterjee,
Mr. Kiron Sk.
Mr. Indranil Munshi
..for the Petitioner.

Mr. Sk. Md. Galib,
Mr. Abu Siddique Mallik
..for the State.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh
..for Bally Municipality.

Mr. Aritra Palit,
Syed Murshid Alam,
Mr. Subrata Ghosh,
Mr. Abdulla Mondal,
Ms. Amrita Sen
..for the Respondent No.12.

1. This writ petition has been filed praying for a direction to remove the unauthorized construction and encroachment activities on river Ganga at Kedar Ghat, Bally, Howrah.

2. The appropriate authority was directed to file a report and, accordingly, today the Assistant Director, WBLRS and BL&LRO, Bally-Jagacha, Howrah dated 9.4.2025 has been submitted along with enclosures which shows that a joint inspection was conducted by all the authorities and the newly impleaded respondent, namely, M/s. G.M. Developer

was also present at the time of inspection and the partner has signed the attendance sheet enclosed in page 6 of the report dated 9.4.2025.

3. From the report it is seen that a boundary wall which has constructed in LR plot no.35063 pertinent to RS plot no.14192 of mouza-Bally (JL-14) on a vested land and there was an encroachment.

4. However, the 12th respondent is stated to have constructed a new boundary wall inside their property and it is not encroached on the vested land towards Ganga.

5. The report further states that the old wall still exists.

6. However, they have demolished the upper part of the wall and the height of the wall, 6 feet 08 inch at the southern side exists outside the property boundary wall and part of it falls in the RS plot no.14192, corresponding to LR plot no.35063 which belongs to the collector's Khatian that is Khatian No.1.

7. According to the private respondents, they did not approve the previous encroachment wall to protect their property from the erosion of Ganga.

8. This explanation is not acceptable since if it is found that the old boundary wall was on a vested land that too in a land belonging to the collector in Khatian No.1, the wall should be completely removed.

9. Therefore, the BL & LRO/8th respondent is directed to issue direction to the 12th respondent along with Bally Municipality/respondent nos.4 and 5 to remove the boundary wall within a period of four weeks from the date of receipt of the server copy of this order and restore the area to its original position. If the 12th respondent does not do so, the authority shall demolish the wall by taking departmental action and the entire cost be recovered from the 12th respondent.

10. The learned advocate appearing for the petitioner submitted that there are other encroachments on vested land.

11. However, this has not been specifically mentioned in the representation nor in the prayer sought for in the writ petition.

12. If, according to the petitioner, there are other encroachments, the same shall be brought to the notice of the 8th respondent who shall proceed to take action in accordance with law after notice to the concerned persons who are alleged to have been encroached.

13. With the above observations, the matter is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)