

April 7, 2025
Sl. No.16
Court No.236
s.biswas

WPA 4093 of 2025

Six's Griha Nirman Pvt. Ltd. and another
vs.
The State of West Bengal and others

Mr. Debduta Basu

... for the petitioners

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.

Mr. Ram Chandra Guchhait

... for the State

Mr. Alak Kumar Ghosh

Mr. Gopal Chandra Das

... for the KMC

1. The Affidavit of service as filed today on behalf of the writ petitioners is taken on record.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ or writs against the respondent authorities more specifically against the respondent no.8 for implementation of the order dated 04.09.2023 as passed by a Co-ordinate Bench of this court while disposing of WPA 5047 of 2014.
3. In course of his submission, Mr. Basu, learned advocate appearing on behalf of the writ petitioners at the very outset took me to page nos.90 and 91 of the instant writ petition being a copy of the server copy of the order dated 04.09.2023 as passed in WPA 5047 of 2014, whereby and whereunder a Co-ordinate Bench of this court directs the respondent no.8 to consider the representation of the writ petitioners and to

pass a reasoned order within a period of 8 weeks from date after giving an opportunity of hearing to the writ petitioners.

4. It is the case of the petitioners that under the cover of Memo dated 11.10.2020 as issued by the Deputy Chief Engineer (Civil), Environment & Heritage Department, Kolkata Municipal Corporation (hereinafter referred to as 'the KMC' in short), the writ petitioners were asked to participate in hearing and on receipt of the same the writ petitioners participated in the said hearing but as on this day, no order was passed by the respondent no.8 authority, in utter violation of the order dated 04.09.2023.
5. In course of his submission, Mr. Das, learned advocate appearing for the KMC authority, has handed over a bunch of photocopies of papers. A copy of the same is also handed over to the learned advocate for the writ petitioners in court today. It is submitted by Mr. Das that pursuant to the earlier order dated 04.09.2023, due opportunity of hearing was given to the petitioners by the respondent no.8 authority and after careful consideration of the entire materials, the respondent no.8 authority found that it was a fit case that the entire matter be forwarded to the Waterbody Management Board (hereinafter referred to as 'the Board' for short) through

Director General (Environment & Heritage, KMC)
for taking appropriate decision.

6. It is further submitted by Mr. Das that the said Board took a resolution on 10.09.2024 to the effect that though there was no record of waterbody in the deed of conveyance dated 21st March, 2012 and 26th March, 2012, but there is a record of waterbody as per NRSA (Aerial) map, area of 1004.23 Sq.M. and the physical inspection of the plot in question reveals further that the applied area is low lying depressed land. It is further submitted that therefore, the said Board recommends that the said premises is not free from waterbody and as per IB copy 16K tank may be recorded in the tank list against the subject premises.
7. Such contention is disputed by Mr. Basu. It is submitted on instruction that as of now copy of such resolution was not communicated to the writ petitioners. It is further submitted by Mr. Basu that the plot in question is Bastu in nature.
8. On careful consideration of the entire materials as placed before this court, it reveals that as per direction of the Co-ordinate Bench on 04.09.2023 to the respondent no.8 authority herein after hearing all concerned forwarded the matter before the said Board for taking appropriate decision to ascertain the exact nature of the said land as

mentioned in the writ petitioners' representation. From the resolution dated 10.09.2024 as taken by the said Board, it reveals that the said Board has also considered the entire materials including the written submission of the writ petitioners dated 19.12.2023 and thereafter passed the following order:

“The Water Body Management Board in its 180th meeting dated 10.09.2024 discussed the matter in detail. There is no record of waterbody as per photocopy of Deed of Sale made on 21st March-2012, photocopy of Deed of Sale made on 26th March-2012, BL&LRO records (RS), BL&LRO record (LR), departmental tank list. But, there is record of waterbody as per NRS (Aerial) Map (area : 1004.2338 Sqm), IB copy 2/95-96 (16K Tank). Also physical inspection reveals that the applied area is low-lying depressed land. Therefore, WBMB recommends that the subject premises is not free from waterbody and as per IB copy 16K tank may be recorded in the tank list against the subject premises.”

9. It thus reveals to this court that the appropriate authority has passed a reasoned order in compliance of the order dated 04.09.2023 as passed in WPA 5047 of 2014 by a Co-ordinate Bench.
10. This court thus considers that nothing remains to be decided in the instant writ petition any further. This court thus directs the respondent

no.8 to communicate a copy of the resolution dated 10.09.2024 as taken by the said Board within a period of fortnight from date to the writ petitioners either by speed post or by special messenger.

11. Learned advocate for the KMC is requested to communicate the server copy of this order to the respondent no.8. The respondent no.8 is directed to act on the basis of the server copy of this order.
12. With the above observation, the instant writ petition is disposed of.
13. The parties shall act on the basis of the server copy of the order.

(Partha Sarathi Sen, J.)