

Item-
10. 12-06-2025

WPA(P) 115 of 2021

sg

Partha Jyoti Mandal
Vs.
State of West Bengal & Ors.

Ct. 8

Mr. Anjan Bhattacharyay
Mr. Shahan Shah
Mr. Sk. Abumusa
Mr. Umenun Khan
Mr. Md. Shahjahan

...for the petitioner

Mr. Anuruddha Chatterjee, Sr. Adv.
Mr. Pijush Biswas
Mr. Chiranjib Sinha

...for the respondent no.8

Mr. Partha Pratim Roy
Mr. Supratim Dhar
Mr. Siddhartha Banerjee
Mr. Abhisek Baran Das

...for the respondent no.9

Mr. Jahar Lal De, AGP
Mr. Shamim ul Bari

...for the State

1. In view of the affidavit affirmed by the Additional District Magistrate and District Land and Land Reforms Officer, South 24 Parganas on 1st October, 2021, the order of conversion is not sustainable. The specific averment of the authority concerned in paragraph 8 in this regard is indicated below:

“That it is my humble submission that during the impugned conversion proceeding neither the solemn order in W.P. No. 32258(W) of 2014 dated 20.02.2015 nor the Order of the Assistant Director of Fisheries was brought to the notice of this deponent and that the proceeding was completed without being aware of the said orders and there was no willful violation of any orders as alleged in the paragraphs 8, 9 and 10.”

2. Moreover, it does not appear that any alternative water body has been created in terms of the permission for conversion granted by the Additional District Magistrate and District Land and Land Reforms Officer, South 24 Parganas. The conversion proceeding appears to have been initiated overlooking the order passed by the Hon'ble High Court, the order of Fishery Department as admitted by the ADM and DL&LRO, South 24 Parganas.
3. It is the common experience that the water bodies are being illegally filled up disturbing the ecological balance. In the face of the order dated 6th May, 2015, we wonder how a conversion could be allowed without taking into consideration the order dated 20th February, 2015 and the said order of the Assistant Director of Fishery Department. It, thus, appears that the conversion was allowed without taking into consideration the order dated 20th February, 2015 and the order of the Assistant Director of Fishery. Moreover, it appears that on 6th May, 2015, the following order was passed by the Assistant Director of Fisheries and the order was not considered when conversion application was allowed:

“Later on 30th April, 2015 the respondent no.7, Sri Gopal Chandra Ghosh submitted an application to restore the tank to its previous condition.

The case has been heard from both the ends and the respondent no.7, Sri Gopal Chandra Ghosh has been asked to restore the tank to its previous condition within one month after receiving this order as per 17 A of West Bengal Inland Fisheries Act, 1984 as amended in 1993 and 2008.”

4. It is an admission on the part of the deciding authority which cannot be improved on the basis of the submission made by the respondents. The authority concerned has failed to understand that the order of the Writ Court as well as the order dated 6th May, 2015 are relevant for the purpose of deciding the conversion which was not brought to its notice. Under such circumstances, the conversion should not be given effect to.
5. Disappearance of water bodies or indiscreet permission for conversion would adversely affect the ecology and would only encourage the wrongdoers to disturb the ecosystem and ecological balance.
6. Time has come to all of us to remind ourselves that the indiscreet filling up of water bodies may adversely affect the entire ecosystem and it would have a serious cascading effect. Once the private respondent no.8 namely, Gopal Chandra Ghosh was directed to restore the tank/water body under what circumstances such conversion was allowed is unclear.
7. Accordingly, we direct The Additional District Magistrate and District Land and Land Reforms Officer, South 24 Parganas to reconsider the application for conversion afresh after taking into consideration the the order dated 20th February, 2015 and order dated 6th May, 2015 of the Assistant Director of Fisheries, after giving an opportunity of hearing to the writ petitioner, the respondent no.8 and the Director of Fisheries, South 24 Parganas, within eight weeks from the date of

communication of this order by either of the parties and dispose of the matter by a reasoned order, which shall be communicated to the parties within one week thereafter.

8. The status quo as on date, however, shall not be disturbed till the matter is finally decided by the Additional District Magistrate and District Land and Land Reforms Officer, South 24 Parganas.
9. With the aforesaid direction, the writ petition is disposed of.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)