

10-02-2025
Item No.8 & 9 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.8704 of 2023

Arun Guha

-vs-

The State of West Bengal & Ors.

with

WPA No.18000 of 2024

Barun Dutta

-vs-

The State of West Bengal & Ors.

Mr. Sufi Masih Aftab ...for the petitioner
(for respondent no.9 in
WPA 18000/2024)

Ms. Kakali Naskar ...for the State
(in WPA8704/2023)

Mr. Lalit Mohan Mahata, AGP
Md. Galib, sr. Govt. adv.
Mr. Prasanta Behari Mahata
Ms. Sujata Mukherjee ...for the State
(in WPA 18000/2024)

Mr. D.N. Bose
Mr. Sujit Chowdhury ...for the petitioner
(in WPA 18000/2024) &
...for respondent no.8
(in WPA 8704/2023)

Mr. Arindam Das
Ms. Rumeli Sarkar for the municipality

1. Report of joint inspection of plot no.1064, mouza Gar Berhampore, prepared by the Executive Officer, Berhampore Municipality on February 7, 2025 is placed before this court; let it be taken on record.
2. The report of the BLLRO, Sadar, Berhampore, Murshidabad signed on February 7, 2025 is

attached therewith. It appears therefrom that a joint inquiry was conducted in the presence of the parties and in the presence of the representatives of the Berhampore Municipality and the land authority. The plot in question was identified and a sketch map was prepared. It was found that plot no.1064 recorded in favour of Arun Kumar Guha and others is recorded as 'Pukur' in the record of rights. The said land has been filled up.

3. As the BLLRO and the municipality have come to a finding that the land is a water body, it will be open for the parties to ensure that the character of the land is not changed in any manner whatsoever contrary to the provision of law. If in the meantime, the water body has been filled up, then necessary remedial steps shall be taken to restore the same to its previous position.
4. It will also be open for the competent authority to take assistance of the Officer-in-Charge of the concerned police station at the time of implementing the direction passed hereinabove for restoration of the water body.
5. Both the writ petitions stand disposed of.
6. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
7. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

