

06.05.2025
Item No.46
BR

WPA 18133 of 2019
Ranadip Sadhukhan
-vs-
State of West Bengal and others

Mr. Nandadular Bandyopadhyaya,
Mr. Swapan Kumar Barik,
Mr. S. Barik
... for the petitioner

Mr. Subhabrata Das,
Mr. Mrinal Kanti Das,
Mr. Kartick Kumar Goyal,
.... for the North Barrackpore
Municipality

Mr. Ziaul Islam
... for the State

The present writ application has been preferred praying *“for direction upon the respondent no. 4 to restrain the private respondent from filling up the pond in the land of the petitioner, situated at Dag No. 664, J.L. No. 2, Khatian No. 499, Mouza: Monirampore and not to construct any unauthorized building thereon and if any construction is made that should be demolished over the said plot of land by considering the complaints made by the petitioner on 10th June, 2019 and lastly on 15th July, 2019.”*

It appears from the materials on record that at page 25 is a notice dated 17.08.2018 under Section 57 read with Section 4C(5) of the W.B.L.R. Act, 1955 issued by the B.L. and L.R.O., Barrackpore with the finding **that there has been a filling up of a water body** and the specification of such filled up water body has also been given in the said notice. The concerned authorities have also been directed to restore the pond to its original classification within 15 days from the said notice. Subsequent development has not been brought on record.

By a subsequent notice dated 30.10.2018, the Executive Officer of the North Barrackpore Municipality also issued a notice on the basis of the enquiry report of Revenue Inspector and also directed the restoration of the pond to its original classification.

The petitioner herein has made several representations .

Now considering the materials on record specifically the notice dated 17.08.2018 under Section 57 of the WBLR Act issued by the BL and LRO, Barrackpore-I and the letter dated 30.10.2018 issued by the Executive Officer, North Barrackpore Municipality, this Court directs the concerned authorities being

Additional District Magistrate and DL and LRO, Barasat (respondent no. 2), Block Land and Land Reforms Officer, Barasat (respondent no. 3), the Chairman, North Barrackpore Municipality, Palta (respondent no. 4) and the Assistant Director of Fishery, West Bengal, North 24-Parganas, Meen Bhavan (respondent no. 6) to take necessary steps to ensure that the pond is restored to its original form as per the enquiry reports of the authorities concerned, within 60 days from the date of this order, with the assistance of the respondent no. 7 herein being the Inspector-in-charge of Barrackpore P.S.

It is directed that the Additional District Magistrate and District Land and Land Reforms Officer (respondent no. 2) shall supervise the entire procedure as directed in the present case.

WPA 18133 of 2019 stands disposed of.

Urgent Photostat certified copy of this order if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)