

N.22Sl
151/CL

WPA 21199 of 2025

Jayanta Paul

-vs-

The State of West Bengal & Ors.

22.09.2025
SL-16
Ct.19
(S.R.)

Mr. Aniruddya Chatterjee, Ld. Sr. Adv.
Mr. Kushal Chatterjee
Mr. Prasayan Mukherjee ... for the petitioner.

Mr. Dwarika Nath Mukherjee
Mr. Manik Lal De ... for the State.

1. The affidavits of service, as filed today on behalf of the writ petitioner, are taken on record.
2. Despite service, none appears on behalf of the respondent nos.8 and 9 and the private respondent nos.14 to 17.
3. At the time of hearing Mr. Chatterjee, learned senior advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page nos.56 and 57 of the instant writ petition, being a copy of the order dated 19.03.2020, as passed by the respondent no.3/authority, whereby and whereunder the writ petitioner was permitted to construct a guard wall in his own land, particulars of which has been mentioned in paragraph 2 of the instant writ petition, at his own cost for protection of dwelling house from erosion of soil without obstruction of flow of river under any circumstances.
4. It is submitted by Mr. Chatterjee that sometime in the year 2025 when the writ petitioner made an attempt to

construct the guard wall, the writ petitioner was prevented by the respondent nos.8 and 9 as well as by the private respondents. It is submitted that on 26.08.2025, the writ petitioner submitted a representation with the respondent no.3/authority alleging obstruction against the said persons with a request to intervene and to grant police help but the respondent no.3/authority, practically, sat tight over the matter and did nothing. Mr. Chatterjee, thus, submits that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.

5. Such prayer is opposed by Mr. Mukherjee, learned advocate appearing on behalf of the respondent/State. It is submitted by Mukherjee that the order, as has been passed by the respondent no.3/authority, was of the year 2020. He submits that for proper adjudication of the instant writ petition a report is required to be submitted.
6. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court considers that the instant writ petition can be disposed of even without calling for any report, especially, when sufficient materials have been placed before this Court on behalf of the writ petitioner that the respondent no.3/authority permitted the writ

petitioner to construct a guard wall in his own land at his own cost for protection of his dwelling house from erosion of soil without obstruction of flow of river under any circumstances.

7. Such being the position, this Court while disposing the instant writ petition directs the respondent nos.3 and 12/authorities to give adequate protection to the writ petitioner while implementing the order dated 19.03.2020, as passed by the respondent no.3/authority, i.e. for construction of a guard wall of his own land, particulars of which has been mentioned in paragraph 2 of the instant writ petition, for protection of dwelling house from erosion of soil without obstruction of flow of river under any circumstances.
8. Before parting with, this Court further directs the respondent no.2/authority to supervise the said work so as to ensure that on account of construction of guard wall at the instance of the writ petitioner flow of river is not obstructed.
9. Liberty is given to the learned advocate-on-record for the writ petitioner to communicate the server copy of this order to the respondent nos.3 and 12/authorities.
10. The respondent nos. 3 and 12/authorities herein are hereby directed to act on the basis of the server copy of this order.
11. The respondent no.12/authority is further directed to

deploy sufficient number of police personnel at the plot in question at the time of construction of the guard wall and the cost of deployment of police personnel shall have to be borne by the writ petitioner.

12. Learned advocate for the State is also requested to communicate the server copies of this order to the respondent no. 2 authority.

13. With the aforementioned observations, WPA 21199 of 2025 is disposed of.

14. There shall, however, be no order as to costs.

15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)