

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
(Appellate Side)

PRESENT:

THE HON'BLE JUSTICE RAJARSHI BHARADWAJ
&
THE HON'BLE DR. JUSTICE AJOY KUMAR MUKHERJEE

CPAN 1182 of 2023

In

WPA (P) 507 of 2022

Bhabani Prasad Bhattacharjee

Vs.

Smt. Priyanka Singla & Anr.

(Assigned)

For the Applicant : Mr. K.B.S. Mahapatra
Mr. Kashinath Bhattacharjee
Mr. Aditya Shit

For the State : Mr. Jahar lal De, Ld. AGP
Mr. Rudranil De

Heard on : 12.12.2025

Judgment on : 17.12.2025

Dr. Ajoy Kumar Mukherjee, J.

1. A writ application being WPA (P) 507 of 2022 was preferred before a Division Bench of this Court, alleging that a big pond namely '*Santosh*

Sayar' measuring about 1 acre and 73 decimal, situated at Dag no. 993, JL no. 065, Mouza-Kulchanda in the District of Purba Burdwan, is being filled up under the political and administrative patronage and thereby illegal constructions are also made with the help of local administration and for which the local villagers are suffering a lot because that is the only pond in the said village and they are heavily dependent on the said pond for their survival.

2. A Division Bench of this High Court by an order dated 14th March, 2023, was pleased to dispose of the said Writ Petition with the following observation:-

"Hence, we dispose of the present petition permitting the petitioner to file a comprehensive re-presentation along with all the relevant material before the respondent No.2, who on receipt of the same will give an opportunity of hearing to all the concerned parties and also conduct an enquiry if required and take appropriate action in accordance with law. Let the above exercise be completed within a period of three months from the date of receipt of the representation."

3. The Applicant herein alleged in the instant Application that the alleged contemnor deliberately did not comply the said order of this court. Though notice was given but they have not given any importance to the solemn order.

4. The alleged contemnor appeared and filed compliance report contending that they never violated any order passed by this Court and according to the alleged contemnor the allegation as made by the Applicant in the contempt Petition is not sustainable. The Petitioners/Applicants herein were constantly absent during hearing and thereby the authority disposed of the issue in compliance with the order of this court dated 14.03.2020 by a reasoned order.

5. Being aggrieved by the said compliance report the petitioner filed exception to the compliance report, wherein it has been contended that though in the compliance report it has been alleged that the petitioner remained absent for all the three consecutive dates of hearing, but said allegation is untrue as though the petitioner could not be present physically but his authorized representative was present, who made his submission and it has been recorded. Applicant alleged that compliance report is untrue. The local administration are involved in managing fund for filling up the pond and making construction therein. Infact no enquiry was done from the villagers who are dependent upon the pond and who are worst sufferer for illegal and unlawful encroachment and construction.

6. We have considered submissions made on behalf of the both the parties. On perusal of the compliance report as well as available documents in the record, it appears that from the Record of Rights as well as from the copy of the Mouza Map, that plot no. 993 is a water body and it is also not disputed that the area of such water body is measuring 1.73 acres. The prescribed authority heard in respect of the issue in controversy and during the hearing BL & BLRO, Bhatar, submitted that the said pond was measured and they found its length as 235.5ft, 296ft, 250ft and 325 ft on Southern, Eastern, Northern, and Western Side respectively and thereby it was found that the water body measuring 1.73 acres remains intact and the same is free from all encumbrances and nothing was brought to the notice of the enquiry officer regarding encroachment and or illegal construction. Infact during local enquiry no such construction over the questioned land

was found. Therefore, in the operative part of the order the concerned District Magistrate, Purba Medinipur passed the following order:-

“After careful examination of all the report supported by sketch map and photographs, it is found that :-

1. No encroachment has been made over the water body namely “Santosh Sayar” the same is found intact 1.73 acre as it was.

2. The private respondents who are residing around the said water body and constructed their dwelling house after availing the benefit of PMAY Scheme, those constructions are not fall under the plot no. 993 i.e. the pond “Santosh Sayar”

3. The initiatives were taken by the Block Development Officer, Bhatar for removing the water hyacinths and floating plants from the pond, the pond has now been suitable for daily use for the public at large. Preventive measures were also taken by installing Citizen Information Boards at four corners of the said pond for public awareness.

4. The police Authorities after conducting enquiry on basis of the Bhatar P.S. GDE No. 460 dated 09.03.2025 confirmed that no construction was made over the said water body.

After perusing all the documents placed before me and all the submissions made about the aforesaid facts and circumstances, after satisfying and relying upon the reports as presented in this proceedings, I am of the view that no such incident of illegal filling up of the pond i.e. “Santosh Sayar” has been taken place. The allegation as made by the petitioner in the writ petition could not be sustained. The petitioner also failed to place his submission before me as he was constantly absent during the hearings.

However considering the gravity of the allegation as made in the writ petition, it is hereby ordered that, the Block Development Officer, Bhatar, BL & LRO, Bhatar, and Officer-in-Charge, Bhatar P.S will keep a close vigil over all the water bodies in their jurisdiction, so that any such incident of illegal filling of pond may not taken place in future.

The matter is hereby disposed of in compliance of solemn order dated 14.03.2023, passed by the Hon’ble High Court, Calcutta.

7. From the available documents in the record, we do not find any reason to disbelieve the observation made in the aforesaid order. However, if the petitioner has any grievance in respect of survey and measurement work done by the concerned authority, then the petitioner can always avail appropriate proceeding before appropriate forum but since the scope of the instant Application is limited, only to the extent as to whether the order of this court has been complied or not, we find no merit in the instant Application.

8. CPAN 1182 of 2023 arising out of WPA (P) 507 of 2022 thus stands dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, on priority basis on compliance of all usual formalities.

(RAJARSHI BHARADWAJ, J.)

(Dr. AJOY KUMAR MUKHERJEE, J.)