

15-09-2025
Item No.8
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.21679 of 2025
Ashwini Kumar Nag

-vs-

The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal), adv.
Ms. Sangita Banerjee, adv.
Ms. Sarbani Dutta, adv. ...for the petitioner

Mr. N.C. Bihani, sr. adv.
Mr. P.B. Bihani, adv. ...for the State

Mr. Gopal Chandra Ghosh, sr. adv.
Ms. Sunandana Saha, adv....for the private respondent

1. The petitioner complains of construction over a water body at the behest of the private respondent. Complaint was lodged before the concerned authority and the allegation is that no steps have been taken to redress the grievance of the petitioner.
2. Learned counsel for the State has produced before this Court documents to show that an inspection was conducted on receipt of the petitioner's complaint. It reveals that the recorded water body (*doba*) has been unauthorizedly filled up and construction has been raised thereon.
3. Notice has been issued under Section 57 read with Section 4C(5) of the West Bengal Land Reforms Act, 1955 by the Assistant Director & Block Land & Land Reforms Officer, Garhbeta-I, Paschim Medinipur dated September 12, 2025. The private respondent has been directed to show cause in writing why penal and coercive measures shall not be taken against him.
4. Section 17A(b) of the West Bengal Inland Fisheries Act, 1984 has also been invoked.

Direction has also been passed to restore the water body.

5. Learned counsel for the private respondent submits, upon instruction that, though the land is recorded as *doba*, but there is no existence of water body for a long period of time. A portion of the said land was acquired by the State in the year 1973 for construction of a canal.
6. Be that as it may, as it appears that the authority has acted in response to the complaint lodged by the petitioner, accordingly, the instant writ petition is disposed of by directing the District Magistrate, Paschim Medinipur, the sixth respondent herein, to take necessary steps to ensure that the water body is not filled up and that no construction is made in any manner whatsoever.
7. The complaint of the petitioner shall be considered in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties and the fate of the said complaint shall be made known to the petitioner. Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of this order.
8. Leave is granted to the learned advocate-on-record for the private respondent to file *vakalatnama* in the department by tomorrow (16.09.2025).
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

