

Ct.No.1 D/L 18.12.2025
Saikat 13
Mukherjee

MAT/1535/2019
with
IA NO: CAN/1/2019(Old No:CAN/11034/2019)

NAKUL SARDAR & ORS.
VS.
STATE OF WEST BENGAL & ORS.

Mr. Uday Sankar Chattopadhyay, Adv.
Mr. Suman Sankar Chatterjee, Adv.
Ms. Trisha Rakshit, Adv.
Ms. Rajashree Tah, Adv.
Ms. Aishwarya Datta, Adv.
Ms. Bidisha Chakraborty, Adv.

...For the Appellants

Mr. Susovan Sengupta, Adv.
Mr. Manas Kr. Sadhu, Adv.

...For the State Respondent

Per, **Partha Sarathi Sen, J.**

1. The subject-matter of the instant intra-court appeal is the order dated 17th September, 2019, as passed by the learned Single Bench of this court in W.P. No.16799(W) of 2019.
2. We have perused the entire materials as placed before us. We have heard Mr. Chattopadhyay, learned advocate for the writ petitioners/appellants and Mr. Sengupta, learned advocate for the respondent State.
3. At the time of hearing, Mr. Chattopadhyay, learned advocate for the writ petitioners/appellants submits before this court that the impugned order has been passed by the learned Single Bench without considering the provisions of The East Kolkata Wetlands (Conservation and Management) Act, 2006

(hereinafter referred to as 'the said Act of 2006' in short)

4. It is further submitted by Mr. Chattopadhyay that for non-consideration of the actual facts, as involved in the said writ petition, the learned Single Bench has come to a finding that the disputes, as involved in the writ petition, are civil in nature which is not proper.
5. It is, however, submitted by Mr. Chattopadhyay that in the event appropriate authority, within the meaning of section 11 of the said Act of 2006, is directed to consider the representation, as submitted by the writ petitioners and as available at page No.78 of IA NO: CAN/1/2019(Old No:CAN/11034/2019, the very purpose of filing the instant appeal will be fulfilled.
6. Mr. Sengupta, learned advocate appearing on behalf of the respondent-State, however, supports the impugned order and submitted that no case has been made out for interference as prayed for.
7. On careful perusal of entire materials, as placed before this court including the relevant provision of the said Act of 2006, it reveals that section 11 of the said Act of 2006 permits the authority to take appropriate steps for restoration of the land to its original character in the event he received any information to that effect and/or in the event he *suo moto* comes to a finding that the character and mode of the land has been changed.

8. On perusal of the copy of the writ petition as has been annexed with I.A. No.CAN/1/2019 it appears to us that the grievance of the writ petitioners/appellants is that the private respondents are making illegal construction over the wetland which is prohibited under section 9 of the said Act of 2006.
9. In view of such, this court while disposing of the instant appeal permits the present writ petitioners/appellants to submit a fresh representation with the appropriate authority, as specified in section 11 of the said Act of 2006, along with a server copy of this order within 30 working days from today.
10. The appropriate authority, on receipt of such representation from the writ petitioners/appellants, shall issue notice to all the stakeholders including the writ petitioners/appellants and after giving due chance of hearing to them shall pass a reasoned order and shall forthwith communicate the same to all the stakeholders including the writ petitioners/appellants.
11. The entire exercise, as indicated hereinabove, shall have to be completed by the appropriate authority under section 11 of the said Act of 2006 within 60 working days from the date of submission of the representation together with a server copy of this order.

12. The time limit, as fixed by this court, is peremptory and mandatory.
13. It is, however, made clear that in the event while passing the reasoned order the appropriate authority finds sufficient merits in the representation of the writ petitioners/appellants, he is directed to take appropriate steps for restoration of the land to its original character or mode of use in terms of the provision of section 11 of the said Act of 2006.
14. With the aforementioned observation, MAT 1535 of 2019 is **disposed of**.
15. With the disposal of the instant appeal, the pending application being IA NO: CAN/1/2019(Old No:CAN/11034/2019) is also **disposed of**.
16. With the disposal of the instant appeal, the impugned order, as passed by the learned Single Judge, is hereby modified.
17. It is, however, made clear that while disposing of the instant appeal we have not gone into the merits of the allegations as made in the instant writ petition as well as in the Memo of Appeal.
18. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)