

02.01.2025
Item No.2
PG/KS
Ct. No.1

W.P.A. (P) 415 of 2024

**Sri Rohit Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Chandan Misra
Mr. Debabrata Majumder
.....For the Petitioner

Sk. Md. Galib
Mr. Kapil Guha
.....For the State

Mr. Soumya Mukherjee
.....For the W.B.P.C.B.

1. By this writ petition styled as a public interest litigation, the petitioner alleges that a vested land in Khatian No.1 has been encroached, permanent construction has been put up, boundary wall has been constructed by the private respondents.
2. It is pointed out that in this regard, the respondent no.5 i.e. the Chief Technical Officer, East Kolkata Wetland Management Authority has lodged an F.I.R. as early as on June 17, 2019, stating that the private respondents have committed illegal activities. The said F.I.R. was investigated and charge-sheet has been filed as on September 2, 2019.
3. The petitioner's grievance is that though charge-sheet has been filed, the 5th respondent has not taken any action for removal of the encroachment in the vested land. The notice sent to the private

respondent has returned with endorsement “unserved”.

4. Therefore, we are not inclined to go into the merits of the allegations made by the writ petitioner as it is suffice to direct the 4th respondent to consider the representation given by the writ petitioner dated September 3, 2024, issue notice to the private respondents and proceed to take action in accordance with law.
5. 4th respondent is directed to consider the representation within a period of twelve weeks from the date of receipt of server copy of this order.
6. In order to facilitate the 4th respondent to comply with this direction, the petitioner is directed to appear in person before the 4th respondent, submit copies of the earlier representation alongwith the copies of the order and seek for implementation of the direction.
7. The above directions are issued bearing in mind that in terms of Section 4(1)(c) of the East Kolkata Wetlands (Conservation and Management) Act, 2006, the authority has power to make an order, directing demolition or alteration of any hoarding, frame, post, kiosk, structure, neon-signed or sky-sign, erected or exhibited illegally for the purpose of advertisement on any land within the East Kolkata wetlands and in terms of Section 4(1)(b) to take

measures or make an order to stop, undo and prevent any unauthorized development project in, or unauthorised use of, or unauthorized act on, the East Kolkata wetlands.

8. With the above observations/directions, the writ petition is disposed of.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)