

09.01.2025
Item No.12
gd/ssd

WPA(P)/461/2024
SK. GOWSOL ALAM AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sabyasachi Chatterjee,
Mr. Kiron Sk.,
Ms. Monalisha Sinha
..for the Petitioners.

Mr. Jaharlal De,
Ms. Tanwishree Mukherjee
..for the State.

Mr. Gobinda Chandra Bandyopadhyay
..for Uluberia Municipality.

Mr. Rabi Sankar Chattopadhyay,
Mr. Sayan Chattopadhyay
..for the Private Respondents.

1. This writ petition filed as a public interest writ petition alleges that the private respondents have put up construction in a land which is classified as a water body.

2. The learned advocate for the private respondents submitted that copy of the writ petition has not been served and the ancestors of the private respondents have been recorded as rightful owners of the property.

3. The learned advocate for the Municipality, on instruction, submitted that already notice has been issued by the Municipality to the private respondents

as there is an allegation of construction in a water body.

4. Thus, the representation given by the petitioners has been acted upon and the matter has to be taken to the logical end.

5. Therefore, we direct the 6th respondent/Municipality to conduct an enquiry after notice to the petitioners as well as to the private respondents and also after affording them an opportunity of personal hearing and pass a reasoned order on merits and in accordance with law.

6. This direction be complied with within a period of four weeks from the date of receipt of server copy of this order.

7. The learned advocate for the private respondents is permitted to file Vakalatnama on behalf of his clients as soon as court fees/stamps are available.

8. The report submitted by the Municipality is kept on record.

9. With the above observations, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)