

06.02.2025
Item No.7
PG/AG
Ct. No.1

W.P.A.(P) 512 of 2024
Rabindra Yadav & Anr.
Versus
The State of West Bengal & Ors.

Mr. Debashis Banerjee
Mr. Ajay Kr. Mishra
Mr. Subrata Saha
Mr. Rakesh Jana
Mr. Pradeep Kumarfor the Petitioners

Mr. Anirban Ray, Ld. GP
Mr. Sk. Md. Galib
Ms. Sujata Mukherjee.....for the State

Mr. Sagnik Mukherjee
Mr. Shankar Singh.....for the respondent no. 8

1. By this public interest litigation, the petitioners seek for a direction upon the authorities to consider their representations dated June 26, 2024 and September 12, 2024, which are in the nature of mass petitions to take appropriate action for protecting the common passage leading to Uma Pandit Ghat of river Hooghly.
2. Photographs have been annexed to the writ petition as well as to the copy of the mass petitions.
3. The learned counsel appearing for the State has got written instructions given by the Inspector-in-Charge, Malipanchghora Police Station, Howrah. In the said written instructions, it has been highlighted that there is certain private dispute between the private respondents herein and the matter was taking a communal turn, which necessitated invocation of the power under section 144 of the Code of Criminal

Procedure and the order is in vogue and prosecution has been initiated under section 127 BNSS.

4. The learned advocate appearing for the respondent no. 8 submitted that the respondent no. 8 has filed a title suit being No. T.S. 1164 of 2024 before the learned Civil Judge (Junior Division), 3rd Court, Howrah against certain third parties, who have been arrayed as defendants and the Civil Court has directed the 1st defendant not to disturb the plaintiff's peaceful possession and running of his business under the name and style M/s. Khan Plastic from the suit premises in any manner whatsoever till September 30, 2024 by order dated August 29, 2024 and the interim order was subsequently extended on September 30, 2024.
5. In this writ petition, we are not concerned about the private dispute between the respondent no. 8 and the defendants in the suit but we are concerned about the maintenance of the Ghat and to ensure that people have unhindered access to the Ghat on account of any third party encroachment.
6. Apart from that, if any construction has been put up adjoining the Ghat or the river, the same also has to be examined as to whether it is permissible under the relevant statute. In this regard, the learned advocate for the petitioners relies upon a notification issued by the Government of India viz. Ministry of Water

Resources, River Development and Ganga Rejuvenation dated October 7, 2016 and submits that there is a complete ban on construction on the banks of the rivers.

7. In any event, these are all issues to be considered after conducting a full-fledged inspection. Accordingly, we direct the respondent no. 2, the District Magistrate, Howrah Sadar to nominate one senior officer, who will conduct an inspection of the entire Ghat area and before conducting inspection, the office of the District Magistrate shall issue notice to the respondent no.5, Port Trust as well as the respondent nos. 6 to 8 and the defendants in the title suit being T.S. 1164 of 2024 and conduct inspection, examine as to whether there is any encroachment in the Ghat area or access to the Ghat area or there is any illegal or unauthorised construction put up by third parties and after notice to all concern, proceed to take action in accordance with law.
8. The Commissioner of Police, Howrah is directed to provide necessary police assistance to carry out the above exercise.
9. The above directions be implemented within a period of eight weeks from the date of receipt of server copy of this order.
10. With the aforesaid directions, the writ petition is disposed of.

11. No costs.

12. 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.)