

30.01.2025
Item No.21
gd/ssd

WPA(P)/509/2024
DASHARATH MAITY
VS
STATE OF WEST BENGAL AND ORS.

Mr. Supratim Dhar,
Mr. Dhananjay Nayak,
Ms. Tanwishree Mukherjee,
Ms. Megha Sarkar
..for the Petitioner.
Sk. Md. Galib,
Mr. Abu Siddique Mallik
..for the State.
Mr. Apurba Ghosh
..for the Respondent Nos.5 to 12.

1. By this public interest writ petition the petitioner seeks for action against the private respondents on the allegation contravened Section 17 of the West Bengal Inland Fisheries Act, 1984.

2. It is submitted that in spite of several representations given to all the authorities, no action has been initiated which prompted the petitioner to file this writ petition as a public interest litigation.

3. Mr. Galib, learned senior standing counsel appearing for the authorities has obtained written instruction from the Block Land and Land Reforms Officer, Egra-I, Purba Medinipur dated 14.1.2025. For better appreciation, the relevant portion of the report is quoted hereinbelow:

“As per L.R.R.O.R. the plots being no. 1163 and 1165 of Negua Mouza (J.L. No. 119) have been raiyati plot with total area 0.16 acre, 0.40 acre classified as ‘Danga’ and ‘Pukurpar’ respectively. And it is recorded in myriad Khatians. None of

the petitioner and opponents is recorded raiyat over the suit plots.

At present nearly 50 years old village temple has been located on the suit land. And a under construction temple is situated beside the old temple and the rest portion laid vacant. The people present during enquiry including the opponents have failed to produce any prior permission from any competent authority of the aforesaid construction.

Neither petitioner nor recorded raiyats are turned up during enquiry but thje opponents are present and submitted the papers of a ongoing T.S. case in the court of Ld. Civil Judge (Junior Division) at Contai Purba Medinipur vide T.S. Case No.18/2015 on the suit land.”

4. In the last paragraph of the above report there is a reference to Title Suit but, however, it has been clarified by the private respondents i.e. a Title Suit *inter se* the private respondents. Therefore, that cannot hamper any action being initiated by the authorities on the allegation of the unauthorized construction and interfering with the water body. The report also says that no prior permission from any competent authority has been obtained for the ongoing construction.

5. In the light of the same, the Block Land and Land Reforms Officer, Egra-I, Purba Medinipur and the 4th respondent are directed to immediately stop the private respondents from putting up any further construction. The 4th respondent shall inspect the constructed area, issue notice to the private respondents and examine the documents that they have and thereafter proceed to take action in

accordance with law. If there is any violation of Section 17A of the Act as alleged by the petitioner has been committed, then it is for the office of the Block Land and Land Reforms Officer to proceed in accordance with the procedure contemplated under the statute.

6. The above direction be complied with within a period of three weeks from the date of receipt of server copy of the order.

7. It is submitted by the learned advocate for the petitioner that though in the aforementioned report it is stated that the writ petitioner did not appear, the learned counsel, on specific instruction, submits that no notice was served on the writ petitioner.

8. Before implementing the directions in the preceding paragraphs notice be not only issued to the private respondents but also the writ petitioner as well.

9. With the above observations and directions, the matter stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)