

06.02.2025
Item No.8
PG/AG
Ct. No.1

W.P.A.(P) 513 of 2024
Jayanta Rana & Anr.
Versus
The District Magistrate, Howrah & Ors.

Mr. Arun Kr. Maiti (Mohanty)
Mr. Shaheb Sadhukhan
Mr. R.R. Mohanty
Ms. Snigdha Ghoshfor the Petitioners

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

1. This writ petition is filed, styled as a public interest litigation alleging that the private respondents are unauthorisedly putting up construction over an irrigation channel at Putikhali Khal (irrigation channel) at Banharishpur (Majer Para) and at Dhule Para, Banharishpur.
2. The learned advocate appearing for the petitioners submits that in spite of a representation given, the authorities have not taken action and also enclosed photographs to show that the construction has been put up by blocking the irrigation channel.
3. It is submitted that one of the persons, who has put up the construction is the respondent no. 11, who is an influential person as he is a member of the panchayat samity.
4. Although the private respondents have been served and affidavit of service has been filed, none appears for the private respondents. Since action can be taken only

after conducting an inspection, we deem it appropriate to dispose of the writ petition with the following directions:

5. Respondent no. 2 viz., the Additional District Magistrate (Land Reform), Howrah is directed to cause an inspection of the area in question after notice to the writ petitioners as well as to the private respondents and upon such inspection, if it is found that any illegal construction has been put up, action be initiated in accordance with law for removal of such illegal construction.
6. Before taking action, the private respondents viz. the respondent nos. 11 to 13 have to be heard and if any other person, who is stated to be aggrieved, he should also be heard in the matter.
7. The respondent no. 6, Officer-in-Charge, Panchla Police Station is directed to provide required police assistance to enable the respondent no. 2 and his officers to conduct the inspection in terms of the above directions.
8. The above directions be complied with within a period of four weeks from the date of receipt of server copy of this order.
9. With the aforesaid directions, the writ petition is disposed of.
10. No costs.

11. 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.)