

05.03.2026
Item No.20
Ct. No.1
KS

W.P.A. (P) 43 of 2026
Paribesh Academy
Vs.
The State of West Bengal & Ors.

Mr. Bikash Shaw
Sk. S. Islam

.....For the Petitioner

Mr. Swapan Dutta, Ld. A.G.P.
Mr. Sudipto Panda

.....For the State

Mr. Somnath Roy

.....For the Respondent Nos.3 & 4

Mr. Arif Ali

Mr. Prabhat Kr. Srivastava

Mr. S. Bhattacharya

.....For the Respondent No.8

PER, PARTHA SARATHI SEN, J.:

1. The writ petitioner, respondent/State, respondent nos.3 & 4 and the private respondent are represented by their respective learned counsels.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate Writ/Writs against the respondent authorities commanding them to cancel and/or rescind and/or recall and/or revoke and/or withdraw the decision/order of sanction that might have been taken by the respondent authorities to allow the private respondent no.8 to fill up a waterbody lying and situate at within the premises of

Victoria Jute Mill situated at RPM Street,
Bhadreswar Municipality, District – Hooghly, Pin
- 712125.

3. At the time of hearing, learned counsel appearing on behalf of the writ petitioner/at the very outset, draws our attention to page nos.20 and 21 of the instant writ petition, being a copy of the representation dated 08.09.2025. It is submitted that under the cover of such representation, it was brought to the notice of the respondent authorities that an attempt has been made to fill up the waterbody under Bhadreswar Municipality by the private respondent.
4. It is further contended that pursuant to a Co-ordinate Bench direction, the Government of West Bengal, Department of Fisheries, Aquaculture, Aquatic Resources and Fishing Harbour issued a Circular dated 16th May, 2023 whereby and whereunder, a direction was given by the respondent/State to keep a strict vigil over noticeable illegal filling of waterbodies in their respective jurisdiction.

5. Drawing attention to page 29 of the instant writ petition being, a copy of Gazette Notification dated 20.07.2017, it is submitted that by virtue of the said Notification, the Governor of West Bengal has been pleased to appoint Municipal Commissioner/ Commissioner/ Executive Officer of Municipal Corporation/ Municipalities/ Notified area as competent authority under Section 2(ii) of the West Bengal Inland Fisheries Act, 1984.
6. It is submitted that in view of the aforementioned Circular dated 16.05.2023 and the Notification dated 20.07.2017, as mentioned (*supra*), the respondent no.4 authority is duty-bound to act in accordance with the provision of Section 17A(2) of the West Bengal Inland Fisheries Act, 1984 (hereinafter referred to as “the said Act”, in short).
7. It is thus submitted on behalf of the writ petitioner that appropriate Writ/Writs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.

8. Per contra, learned counsel appearing on behalf of the respondent/State, in course of his submission, has filed two reports, which are taken on record.
9. It is submitted on behalf of the respondent/State that from the report dated 13.02.2026, as has been filed by the jurisdictional I.C. of the Bhadreswar Police Station, it would reveal that the jurisdictional Revenue Inspector of Bhadreswar L.R. Office, though found a waterbody existing at the plot in question but, in course of inspection, no activity regarding filling up of any waterbody has been noticed.
10. It is further submitted that from the report dated 12.02.2026 as submitted by jurisdictional B.L. & L.R.O., it would reveal further that the relevant plot of land is not recorded as a waterbody, rather the same has been recorded as 'Bagan'.
11. Learned counsel for the respondent/State, in this regard, draws our attention to Annexure – P15 of the report dated 12.02.2026 as filed by B.L. & L.R.O., Khalisani, Hooghly under B.L. & L.R.O., Singur.

12. In Course of hearing, learned counsel appearing on behalf of Bhadreswar Municipality and its instrumentality has filed photocopies of two communications dated 19.02.2026 and 21.02.2026.

It is submitted on behalf of the said Municipality that immediately after receiving the complaint in writing, notices have been issued to the relevant stakeholders to appear before the competent authority under the provisions of the said Act.

13. Learned counsel appearing on behalf of the private respondent, however, denied all the allegations made in the instant writ petition.

14. It is also submitted on behalf of the private respondent that the allegation, as made out in the instant writ petition, are vague and baseless.

15. For effective adjudication of the instant *lis*, we at the very outset, proposes to look to the provision of Section 17A of the West Bengal Inland Fisheries Act, 1984, which reads as under:-

“17A. Bar to conversion of water area etc. for other use.- (1) No person shall-

(a) put any water area including embankment, which is capable of being used as fishery, or any naturally or artificially depressed land holding, which retains water for a minimum period of six months in a year, to such use, other than fishery, as may result in abolition of fishery [within the jurisdiction of any Municipal Corporation or any Municipality], or

(b) fill up any water area [in part or in full] including embankment or naturally or artificially depressed land holding as aforesaid, with a view to converting it into solid land for the purpose of construction of any building thereon or for any other purpose, or

(c) [within the jurisdiction of any Municipal Corporation or any Municipality divide any water area] including embankment or naturally or artificially depressed land holding as aforesaid into parts so as to make any such part for any purpose other than pisciculture or transfer any part of any such water area including embankment or naturally or artificially depressed land holding as so divided to any other person.

[Provided that the restrictions contained in clause (a) or clause (c) shall apply in respect of any area measuring 5 cottahs or 0.035 hectare or more falling within the jurisdiction of any Gram Panchayat.]

(2) If the competent authority, on receipt of an information or on his own motion or otherwise, is satisfied that-

(a) any water area including embankment or naturally or artificially depressed land holding, referred to in clause (a) of sub-section (1), is being, or is about to be, put to any use, other than fishery, or

(b) any such water area including embankment or naturally or artificially depressed land holding is being, or is about to be, filled up, or

(c) any such water area including embankment or naturally or artificially depressed land holding is being, or is about to be, divided into parts, or any part of any such water area including embankment or naturally or artificially depressed land holding as so divided is being, or is about to be, transferred to any other person,

in contravention of the provisions of sub-section (1), and that it is necessary for the purpose of promotion of pisciculture, checking of destruction of fisheries and prevention of environmental degradation so to do, he may, by order in writing, take over the management and control of such water area including embankment or naturally or artificially depressed land holding, as the case may be.

(3).....

(4).....

(5).....

(6).....

(7).....

(8).....

(9).....

(10).....

(11).....

(12).....”

16. On careful perusal of the aforementioned

legislative provision, it appears to us that the

competent authority on receipt of an information or on his own or otherwise if satisfied that any water area including embankment or naturally or artificially depressed land holding as has been referred to in Clause (a) of sub-section 1 of Section 17A is being or is about to be put to any use other than fishery or is about to be filled up, he may by order in writing take over by management and control of such water area including embankment or naturally or artificially depressed land holding.

17. Keeping in mind, the aforementioned legislative provision, if we look to the instant writ petition, as has been filed before this Court, we notice that it is the grievance of the writ petitioner that the relevant plot of land, which according to the writ petitioner, is a waterbody, is going to be filled up by the private respondent and it is the further grievance of the writ petitioner that the respondent authorities, more specifically, the respondent no.4 authority though being a competent authority within the meaning of Section 2 (ii) of the said Act, sat tight over the

matter and practically did nothing, though such allegation has been denied by the private respondent.

18. In view of such, we while disposing the instant writ petition, direct the writ petitioner to forward a copy of the instant writ petition alongwith its all annexures together with a server copy of today's order to the respondent no.4 authority forthwith.

19. The respondent no.4 authority on receipt of such copy of the writ petition with all annexures and a server copy of today's order, shall consider the same as a representation of the writ petitioner.

20. The respondent no.4 authority on receipt of the aforementioned documents shall cause notice upon the writ petitioner as well as the private respondent and/or any other stake holders.

21. The respondent no.4 authority shall give an opportunity of hearing both to the writ petitioner and the private respondent including any other stake holder and/or their authorized representatives and shall pass a reasoned order soon thereafter and shall forthwith communicate

the same to the writ petitioner and the private respondent.

22. The entire exercise, as indicated in the foregoing paragraphs, is to be completed within 60 working days from the date of communication of the server copy of this order alongwith a copy of the instant writ petition.

23. The time-limit, as fixed by this Court, is peremptory and mandatory.

24. It is further ordered that in the event, while passing the reasoned order, the respondent no.4 authority finds sufficient merit with regard to the grievance, as ventilated in the instant writ petition, he is directed to take all consequential action in terms of Section 17A of the West Bengal Inland Fisheries Act, 1984 forthwith.

25. With the aforementioned observation, W.P.A. (P) 43 of 2026 stands disposed of.

26. Before parting with, it is, however, made clear that while disposing the instant writ petition, we have not gone into the merits of the instant writ petition and thus, all points are kept open for adjudication by the respondent no.4 authority.

27. Liberty is also given to the respondent no.4 to consider the report of the jurisdictional B.L. & L.R.O., as submitted before this Court in connection with the instant writ petition while passing his reasoned order.

28. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)