

Item-
13. 10-03-2026

WPA 5111 of 2026

sg Ct. 19

Abhijit Bhattacharyya
Versus
The State of West Bengal & Ors.

Mr. Tamoghna Pramanick
Mr. Chiranjit Pal
Mr. Sourav Mondal

...for the petitioner

Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque

...for the State

Mr. Suman Chakraborty

...for the respondent nos.11-13

Affidavit of service filed in Court is taken on record.

The petitioner claims to be the co-sharer of LR plot nos. 666 and 768, within Mouza Helan, under Police Station Khanakul, in the District of Hooghly.

The petitioner states that the aforesaid plots have been classified as 'water body' in the record of rights. The petitioner alleges that the private respondents are taking steps to fill up the said water body with a view to make construction thereupon.

The learned Advocate appearing for the petitioner draws the attention of the Court to the record of rights in support of his contention that the plot nos. 666 and 768 have been recorded as water body in the record of rights. He further submits that in spite of making several representations before the respondent authorities, such authorities are sitting tight over the matter and have not taken any steps to restrain the private respondents from illegal conversion of the water body.

The learned Advocate appearing for the private

respondents submits that two civil suits are pending before the Civil Court of competent jurisdiction and, therefore, this Court should not entertain the instant writ petition.

Mr. Mahata, learned Additional Government Pleader, submits that necessary steps shall be taken by the authorities in case it is found that any of the parties are attempting to fill up the water body.

After going through the record of rights, it prima facie appears to this Court that plot nos. 666 and 768 have been classified as water body. At this stage, it would be relevant to take note of the fact that the suit being Title Suit No. 78 of 2024 filed by Fulu Bhattacharya & Ors. against Prasanta Bhattacharya & Ors. is pending before the learned Civil Judge (Senior Division), Arambagh, District Hooghly. The petitioner is the third plaintiff in the said suit. The Title Suit being 78 of 2024 is a suit for partition and for other consequential reliefs. From the schedule of the properties mentioned in the plaint of the said suit, it appears that plot nos. 666 and 768 have been mentioned in schedule 'ga' to the plaint and the classification of the said plots has been stated to be a "pukur" i.e. water body.

It is not in dispute that another suit being Title Suit No. 440 of 2024 filed by the petitioner herein against Prasanta Bhattacharya & Ors is pending before the learned Civil Judge (Junior Division), 1st Court, Arambagh, District Hooghly. The said suit is a suit for declaration of title and for permanent injunction. From the schedule of the plaint of Title Suit No. 440 of 2024, it appears that only plot no. 666 is the subject matter of the said suit under schedule "kha" to the plaint.

After going through the plaint of Title Suit nos. 78 of 2024 and 440 of 2024, this Court is of the considered view that, the subject matter of dispute between the private parties in the aforesaid title suits is completely different from the issues raised by the petitioner herein in this writ petition. The petitioner has approached the authorities alleging attempt made by the private respondents to fill up the water body. It is the duty of the statutory authorities to ensure that a water body is not converted except by due process of law.

From the materials on record, this Court finds that several representations have been submitted by the petitioner before various authorities. Alleging that the respondent authorities have not taken any steps pursuant to the said representation, a demand of justice through the learned Advocate's letter dated 4th February, 2026 has also been served upon the respondent authorities.

Since an allegation of illegal filling up of a water body has been made, it is the duty of the respondent authorities to consider the complaint lodged by the petitioner alleging illegal filling up of the water body and to dispose of the same by passing a reasoned order in accordance with law. The respondent authorities are also duty bound to ensure that a water body is not converted without due process of law.

For the reasons as aforesaid, the writ petition stands disposed of by directing the District Magistrate, Hooghly, being the second respondent to consider the representation of the petitioner through his learned Advocate's letter dated 4th February, 2026 and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the

petitioner, the private respondents and any other persons, who may be affected by such decision.

It will be open to the District Magistrate to call for records from the concerned authorities and cause inspection of the plots in question through competent officials for the purpose of arriving at a decision on the dispute between the parties in this writ petition.

The second respondent shall also pass necessary direction to the concerned Block Land and Land Reforms Officer as well as the Inspector-in-Charge, Khanakul Police Station to ensure that the character of the plot nos. 666 and 768 is not allowed to be altered in any manner till the final decision is communicated by the second respondent to the respective parties.

The entire exercise shall be completed by the second respondent as expeditiously as possible but positively on or before April 17, 2026.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)