

Item- 21-05-2026
11.

Ct. 19

sg

WPA 11449 of 2026

Washim Goldar
Versus
State of West Bengal & Ors.

Mr. Abhratosh Mazumdar, Sr. Adv.
Mr. Suman Basu
Mr. Ayan Banerjee
Ms. Debapriya Ghosh
...for the petitioner

Mr. Sundipan Banerjee
Mr. Ankit Sureka
...for the HMC

Mr. Amarta Ghose
Mr. Souryadeep Ghosh
...for the respondent no.8

Affidavit of service filed in Court is taken on record.

The petitioner has questioned the notice dated 12th May, 2026 issued by the Assistant Engineer Borough-VII, Howrah Municipal Corporation requesting the Commissioner of Police, Howrah Police Commissionerate to keep a strict vigil and take necessary action to prevent illegal filling up of a water body being RS plot no. 279 and LR plot nos. 283 and 284, within Mouza Unsani, J.L. no. 110, under Police Station Jagacha in the District Howrah

Mr. Mazumder, learned Senior Advocate appearing for the petitioner draws attention of the Court to the notification dated July 20, 2017 and submits that the Assistant Engineer is not vested with the authority to exercise power under the West Bengal Inland Fisheries Act, 1984. Mr. Mazumdar further submits that the plot in question is not a water body as would be evident from the classification of the said plots as recorded in the relevant record of rights.

The learned Advocate appearing for the private respondent places certain photographs in support of his contention that the plot in questions is a water body and not

an agricultural land.

After going through the notification dated 20th July, 2017, this Court finds that the Municipal Commissioner/Commissioner/Executive Officer of Municipal Corporation/Municipalities/Notified area authority have been vested with the authority to exercise jurisdiction under West Bengal Inland Fisheries Act, 1984. It appears from the notice dated 12th May, 2026 that the same was issued by the Assistant Engineer, Borough-VII, Howrah Municipal Corporation, who lacks the authority to exercise powers under the West Bengal Inland Fisheries Act, 1984.

Thus, this Court holds that the notice issued by the Assistant Engineer, Borough-VII is without jurisdiction and only for such reason, the same is set aside and quashed.

It is, however, made clear that this order shall not prevent the appropriate authorities from taking steps in accordance with law in the event any attempt is made to fill up any water body by the petitioner.

With the above observations, this writ petition stands disposed of.

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

(Hiranmay Bhattacharyya, J.)