

Sl.19
23.06.2026
Court No.19
BP

WPA 13550 of 2026

Santanu Maji & Anr.
-versus-
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Ms. Priyanka Sen

..for the petitioners

Mr. Sandipan Banerjee
..for HMC

Mr. Nilanjan Bhattacharjee, Sr. Standing Counsel
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
..for the State

Affidavit of service filed in Court today is taken
on record.

The notice purported to have been issued by the
Assistant Engineer, Borough-II, Howrah Municipal
Corporation appearing at page 110 of the writ petition
directing the petitioner no.1 to restore the water body is
under challenge in this writ petition.

Mr. Mukherjee, learned advocate appearing for the
petitioners, on instructions, submits that a portion of
L.R. Dag No. 257 within Mouza Belgachia Kismat has
been recorded as Municipal Holding No. 52/13/1, 'P'
Road, Kashipur, Dasnagar. He further submits that the
said property has been recorded in the revenue records
as "bastu". He submits that the said notice has been
pasted on the property being Municipal Premises No.50

'P' Road, Kashipur, Dasnagar which corresponds to L.R. Plot No. 255 of the said mouza which has been classified in the record of rights as "shali" meaning thereby agricultural land. He submits that there is no existence of any water body either in L.R. Plot No. 255 or in L.R. Plot No. 257.

Mr. Bhattacharjee, learned senior standing counsel files a report of the Officer-in-Charge, Dasnagar Police Station, Howrah Police Commissionerate dated 23rd June, 2026 which is taken on record.

The said report states that a mass petition was received from the local resident alleging illegal filling up of a pond. Copy of the report of the concerned Block Land and Land Reforms Officer has been annexed to the said police report wherefrom it appears that upon field enquiry it revealed that LR/RS Plot No. 255 measuring an area of about 0.76 acres which is recorded in favour of Kanchan Mondal and others is recorded in the record of rights as "shali" but there is physical existence of a water body in the said plot of land.

Mr. Mukherjee placed reliance upon the schedule of property in the relevant deeds of conveyance in support of his contention that there is no water body on the said plots.

No opportunity of hearing appears to have been afforded to the petitioner prior to passing a direction upon the petitioner to restore the water body.

Since a notice has been issued directing restoration of the water body, this Court feels that the appropriate authority under the West Bengal Inland Fisheries Act should be directed to take a decision on the alleged filling up of a water body.

Mr. Banerjee, learned advocate appearing for the Howrah Municipal Corporation submits that the Municipal Commissioner, Howrah Municipal Corporation is the appropriate authority to exercise power under Section 17A of the West Bengal Inland Fisheries Act, 1984.

In view thereof, this Court gives liberty to the petitioners to submit a representation before the Commissioner, Howrah Municipal Corporation being the 3rd respondent on or before June 29, 2026 ventilating their grievances against the notice which is appearing at page 110 of the writ petition.

The Commissioner, Howrah Municipal Corporation being the 3rd respondent is directed to cause an inspection of the disputed property through the Block Land and Land Reforms Officer, Bally-Jagacha being the 5th respondent and take a final decision on the issue raised in the said notice as expeditiously as possible but positively on or before the end of the month of July, 2026.

The Commissioner, Howrah Municipal Corporation being the 3rd respondent is directed to afford an

opportunity of hearing to the petitioners as well as, any other person who may be affected by such decision or their Authorised representative(s).

It is however made clear that the 3rd respondent shall supply the copy of the report of the Block Land and Land Reforms Officer and any other material which such authority may rely upon while arriving at a final decision on the issue regarding filling up of a water body to the petitioners as well as any other person who may be affected by such decision.

It will be open to the petitioners and others to place reliance upon the documents and other materials in support of their respective claim at the time of hearing to be conducted by the respondent no.3 pursuant to this order. The 3rd respondent shall pass a reasoned order within the time limit as mentioned hereinbefore.

It is however made clear that in the event the representation is not submitted by the petitioners within the date mentioned hereinbefore it will be open to the 3rd respondent to proceed in accordance with law in terms of the notice annexed at page 110 of the writ petition.

The petitioners are restrained from changing the nature and character of the property which forms the subject matter of the said notice till the issue is decided by the respondent no.3.

It is however made clear that in the event the petitioners submit the representation within the date

mentioned hereinbefore no coercive steps shall be taken against the petitioners in terms of the notice annexed at page 110 of the writ petition till the issue is finally decided by the 3rd respondent.

It prima facie appears to this Court that the disputed property is a large one and it will be open to the 3rd respondent as well as the Block Land and Land Reforms Officer to affix a public notice at the site fixing a date of such inspection prior to the date that may be fixed for inspection.

With the above observations, WPA 13550 of 2026 stands disposed of.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)