01st October,2026
Item no. 5
Court No.548
Sujata

WPA 25459 of 2014
With
CAN 1 of 2019 (Old No. CAN 5855 of 2019)

Dilip Saha
vs.
The State of West Bengal & Ors.

Mr. Asim Hati,
Ms. Nandini Sharma,
Mr. A. Karmakar,
...for the Petitioner.

Mr. Gour Baran Sau,
...for the Respondent Nos.10 to 13.

Ms. Sumita Sarkar,
...for the State.

1. This is an application under Article 226 of the Constitution of India. The record reveals that the petitioner, being a resident of Pandua Gram Panchayat, along with other local inhabitants, lodged a complaint regarding the filling up of a Government water body situated at Dag Nos. 552 and 603 under Mouza Barizpur in the District of Malda.

2. Although a representation was submitted, no action was taken by the competent authority. Learned advocate appearing for the petitioner submits that the private respondents herein are making illegal constructions over a water body vested upon the Government. Pursuant to the complaint lodged by the petitioner and other local inhabitants, a direction was issued by the concerned Block Land and Land Reforms Officer (BL&LRO) to the Pradhan of the concerned Gram Panchayat to look into the matter so that the illegal construction could be stopped. In response to the said letter, the Pradhan, by memo dated 19.06.2012, informed that the illegal construction over the said aforesaid mentioned vested pukur (pond) was ongoing under the

supervision of the private respondent, who is an influential person in the locality. By the said memo, the Pradhan also informed that a notice had been issued to the said person to stop the illegal construction, but they failed to comply and the construction continued over the vested property.

3. He further submits that a complaint was lodged with the authorities requesting necessary action and steps against such illegal acts of the private respondent.

4. Learned advocate appearing for the private respondent submits that this application has predominantly filed against the inaction on the part of the police authorities. He further submits that no direction can be passed against the BL&LRO under this jurisdiction, as the BL&LRO is an authority under the specified Act as mentioned in West Bengal Land Reforms and Tenancy Tribunal Act.

5. He further submits that the prayer made in the writ petition is for directions to protect the life and property of the petitioner and to take legal steps against the private respondent on the basis of the complaint lodged by the petitioner. There is no prayer made in respect of restoration of water body, and accordingly prays for the dismissal of the writ application.

6. Heard the learned advocates for the respective parties and perused the materials on record.

7. The record reveals that the concerned Gram Panchayat, after conducting a spot inquiry, came to a specific finding that illegal construction is ongoing over a Government water body. It was further noted that the said construction has been carried out at the behest of the private respondent, Narasinha Prasad Gupta. A complaint

was lodged with the police authorities to take action against such illegal acts of the private respondent, but no action has been taken.

8. Section 17A of the West Bengal Inland Fisheries Act postulates that any water body capable of being used for pisciculture cannot be filled up without the permission of the competent authority. In the present case, although complaints were raised before various authorities, but no representation was made before the competent authority as specified under the statute itself.

9. At this juncture, the learned advocate appearing for the petitioner submits that leave may be granted to submit a comprehensive representation before the competent authority under the statute, so that necessary steps may be taken for the restoration of the water body.

10. Considering the prayer made by the learned advocate for the petitioner, I am of the considered view that the petitioner should be granted liberty to submit a comprehensive representation to the competent authority for the redressal of the grievances.

11. This writ application is disposed of by granting liberty to the petitioner to file a comprehensive representation before the concerned competent authority under the statute within a period of six weeks from date. If such a representation is submitted within the specified time, the competent authority shall consider the same in accordance with law after giving an opportunity of hearing to the parties, and upon conducting a joint inspection after issuing advance notice to the parties or other interested parties, if any, and shall pass a reasoned order.

12. The entire exercise shall be completed within a period of four weeks from the date of submission of the representation by the petitioner.

13. Needless to mention, if the authority finds that any action has been taken in violation of the statute, the authority shall take remedial action against such illegal activities in accordance with law.

14. The writ application is accordingly disposed of.

(Partha Pratim Roy, J.)