

November 30, 2021

ARDR

(16)

WPA 15735 of 2021

Rajib Das & anr.

Vs.

The State of West Bengal & ors.

Mr. Shawnak Ghosh,

Mr. Rahul Mullick,

Ms. Sonia Mukherjee,

...for the petitioners.

Mr. Chandi Charan De,

Mr. Somnath Mukhopadhyay,

...for the State.

Affidavit of service filed by the petitioners be taken on record.

The petitioners and the State respondents are represented. None appears on behalf of the private respondents despite service.

Heard the learned counsels for the petitioners and the State respondents.

The petitioners complain that license in respect of water body in question was granted in favour of the predecessor-in-interest of the private respondents for the purpose of pisciculture. Surprisingly, the petitioners detected, on or about 26th February, 2021, that the aforesaid plot was partially filled up by the private respondents and the remaining portion was in the process of being filled up. The petitioners filed a demand notice through their learned advocate before the State authority on 30th March, 2021 praying for

redressal of their grievance and for taking necessary steps for restoration of the water body, but the said application has not been considered as yet.

It is submitted by the State respondents that issue is extremely serious and necessary direction be given to the second respondent for disposing of the application and taking necessary follow up steps.

Having considered the submissions made on behalf of the parties and the material on record, this Court directs the second respondent to consider and dispose of the demand notice filed by the petitioners through their learned advocate dated 30th March, 2021, after affording reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents, within a period of seven days from the date of communication of this order, in accordance with law.

In the event it is found that the water body has been filled up by the private respondents, the second respondent is at liberty to take necessary legal steps in terms of Section 4(D) of the West Bengal Land Reforms Act, 1955. The State respondents should also ensure restoration of the said water body to its original form at the earliest. The fourth respondent shall extend necessary cooperation to the second respondent in complying with this order.

With the aforesaid observations and directions, WPA 15735 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavit has been invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of all necessary formalities.

(Suvra Ghosh, J.)