

15.05.2025
SI No.20
Court No.8
(SKG, Rohan)

**WPA(P) 75 of 2021
With
CAN 1 of 2024**

Dr Chitra Ranjan Biswas & Ors.

-vs-

**The Assistant Director of Fisheries, 24 Pgs. (North)
& Ors.**

Mr. Bhagbat Chaudhuri,
Ms. Gopa Mainan.

..... for the Petitioner.

Mr. Jahar Lal De, Ld. AGP,
Mr. Shamim-ul-Bari.

....for the State.

Mr. Sankha Subhra Ray.

... for the respondent No. 4.

1. The petitioner is the adjacent plot owner and he claimed that there has been unauthorized construction in the plots of land belonging to the private respondents. It is alleged that the *pukur* has been converted to a land unauthorisedly.
2. The learned counsel for the private respondents submits that adjacent to the land of the petitioner, there is a pond which exclusively belongs to the private respondents. However, he has admitted that proceedings have been initiated against the private respondents under Section 57 read with Seciton 4C(5) of the WBLR Act, 1955 regarding filling up of water body.

3. Mr. Jahar Lal De, learned counsel appearing on behalf of the State submits that if there has been any illegal filling up of a water body, the Executive Officer, Kamarhati Municipality would be the appropriate authority to decide the said matter.
4. In the conspectus of fact, we do not find any public interest is involved as it appears to be a dispute between the two neighbours. However, it seems that the complaint of filling up of pond illegally was considered and appropriate notices have been issued by the B.L. & L.R.O., Barrackpore – II on 20th September, 2021 and the report filed by the B.L. & L.R.O. shows that during enquiry, the B.L. & L.R.O. was *prima facie* of the view that the water body has been illegally filled up without any prior permission from the authority concerned which goes against the provision which is laid down under Section 4C of the W.B.L.R. Act, 1955 and punishable under Section 4D of the same Act.
5. It further appears that copy of the said notice was also served to the Executive Officer, Kamarhati Municipality with a request to take appropriate action in the matter under

Section 17A of the West Bengal Inland Fisheries Act, 1984.

6. On such consideration, we dispose of the writ petition along with the application by directing the respective authorities to take a final decision in this regard by giving opportunity of hearing to the writ petitioner and also the private respondents and if required to hear any other authority or persons whose presence might be required for effective adjudication of the matter within a period of eight weeks from the date of communication of this order to the respective authorities.
7. The reasons order shall be communicated to the writ petitioner and the private respondent within two weeks from the date of the reasoned order.
8. Any person aggrieved by such order would be entitled to take appropriate steps in accordance with law, however, we make it clear that it should not be treated as a public interest litigation in future.

(Soumen Sen, J.)

(Smita Das De, J.)