

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Ct.19 **22.09.26**
Item No.21 Sws.M

WPA 9211 of 2024

Srijan Mondal & Ors.
Vs
The State of West Bengal & Ors.

Mr. Nitai Chandra Saha
Ms. Nisha Agarwal
Mr. Abhijit Majumder
...for the petitioners

Ms. Jayita Dhar Chakraborty
Mr. Nilanjan Pal
Mr. Saikat Dey
....for the State

Mr. Biswajit Mukherjee
Mr. Guri Das mitra
Ms. Gulnaz Quraishi
....for the KMC

1. The writ petitioners, the respondent/State and the respondent/KMC are represented by their respective counsel.
2. The subject matter involved in the instant writ petition is a waterbody located at Taramoni Bustee near 11/1, Barik Para Road, Kolkata-700034 in Ward No. 119. By filing the instant writ petition, the petitioners have prayed for quashing of a notice as issued by the competent authority and Municipal Commissioner of Kolkata Municipal Corporation (KMC in short).

3. It is the grievance of the writ petitioners that the said alleged notice has been issued by the said competent authority without following the provision of Section 17A of the West Bengal Inland Fisheries Act, 1984 (the 'said Act' in short). It is submitted further that the writ petitioners have submitted several representations with the KMC authorities, not to intervene in the said pond, since according to the writ petitioners the said pond is very much well maintained.
4. Such prayer is vehemently opposed by Mr. Mukherjee, learned advocate appearing on behalf of the KMC. It is argued by Mr. Mukherjee that the competent authority being satisfied about the ill maintenance of the waterbody invoked its power under Section 17A of the said Act. It is, however, submitted by Mr. Mukherjee that there can be no difficulty on the part of the respondent no. 4/authority to consider the representation of the writ petitioners in accordance with law.
5. Mr. Pal, learned advocate duly assisted by Ms. Dhar Chakraborty, learned advocate appearing on behalf of the respondent/State supports the contention of Mr. Mukherjee.
6. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court

while disposing the instant writ petition, permits the writ petitioners to submit a comprehensive representation regarding their grievance in respect of the said waterbody as involved in the instant writ petition with the respondent No. 4/authority within thirty working days from today. In the event such comprehensive representation is filed before the respondent No. 4 along with a server copy of this order, the respondent No. 4/authority is directed to consider such representation of the writ petitioners in accordance with law and after giving due chance to the writ petitioners and/or their authorized representatives, shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners preferably by e-mail, if the e-mail is provided to him/her at the time of hearing. The entire exercise, as indicated hereinabove shall have to be completed by the respondent No. 4/authority within 120 working days from the date of submission of the comprehensive representation by the writ petitioners along with a server copy of this order.

7. With the aforementioned observations, the instant writ petition is **disposed of**.
8. Before parting with, it is, however, made clear that this Court while disposing the instant writ petition has not gone into the correctness of the notice

impugned and thus all points are kept open for adjudication by the respondent No. 4.

9. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen , J.)