

16
21.12.2023
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 10291 of 2022

**Partha Pratim Parua
-versus
The State of West Bengal & Ors.**

**Mr. Ziaul Haque.
Mr. Sudip Kushari.
...For the Petitioner.**

**Mr. Gopal Chandra Das.
Ms. Ananya Das.
... For the Tamluk Municipality.**

**Mr. Pingal Bhattacharya.
Mr. Rajdeep Sinha.
... For the Private respondent.**

**Mr. Debjit Mukherjee.
Ms. Rupsha Chakraborty.
... for the State.**

Learned advocate representing the State respondents has obtained instruction from the Assistant Director of Fisheries, Purba Medinipur, Contai mentioning that the competent authority under the West Bengal Inland Fisheries Act, 1984 empowers the Executive Officer of the Municipality to deal with the provision of the said Act.

In view of the aforesaid instruction, the order dated 6th December, 2023 passed in this matter requires modification.

The Executive Officer of the Tamralipta Municipality, the Block Land and Land Reforms Officer, Tamluk-I are directed to conduct spot inspection with

prior notice to the petitioner as well as the private respondent to ascertain the nature and character of the land over which the construction is alleged to be made.

Spot inspection shall be conducted at the earliest but positively by 11th January, 2024. The report of spot inspection shall be circulated amongst the parties. If it appears that construction has been made over water body, then necessary remedial steps shall be taken by the Municipality.

Learned advocate representing the petitioner is granted leave to implead the Executive Officer, Tamralipta Municipality as party respondent in the instant writ petition. The formality of serving a fresh copy upon the added respondents stands dispensed with as the Municipality is already represented by the learned advocate.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)