

54 11.7.2013

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W.P. 17841 (W) of 2013

Bikash Kumar Ray & Anr.

Vs.

State of West Bengal & Ors.

Mr. Kalyan Kumar Bandopadhyay

Mr. Kishore Dutta

Ms. Sumita Shaw

Mr. S. Bandopadhyay

Mr. Sushanta Kumar Basu

..for the Petitioners

Mr. Jayanta Banerjee

Mr. Shamimul Bari

..for the State

Mr. Sabyasachi Roy Chowdhury

..for Respondent no.27.

The petitioners complain of an encroachment on the petitioners' land by the private respondents and the failure on the part of the police authorities to take appropriate steps in such regard.

The petition was perceived to be an attempt to commence construction in an area in the East Kolkata Wetlands. Accordingly, the East Kolkata Wetlands Management Authority was directed to be served notice and such authority is represented today.

It is evident from the East Kolkata Wetlands (Conservation and Management) Act, 2006 that the

entirety of the land claimed by the petitioners is covered by the said Act and that no construction or alteration of such land or any part thereof can be undertaken or commenced without the previous sanction of the authority under the said Act.

Accordingly, the petitioners are left free to approach the authority under the said Act of 2006 in respect of any permission or sanction that the petitioners seek, for the authority to consider the same in accordance with law and keeping in mind the importance of the preservation of the wetlands.

There is an ancillary part to the petition in the petitioners seeking a direction on the police authorities to ensure that there is no encroachment on the petitioners' land. The police authorities should ensure that there is no construction in any part of the areas covered by the said Act of 2006 in any manner whatsoever without due previous sanction therefor from the authority under the said Act.

W.P. 17841 (W) of 2013 is disposed of without any order as to costs.

Urgent certified photocopies of this order, if applied for, be given to the parties upon compliance of

the requisite formalities.

(Sanjib Banerjee, J.)

