

29.01.2021
SL No.78
Court No.24
(P.M.)

**WPA 4796 of 2020
With
IA No. CAN 1 of 2020**

**Aparna Dhar@ Aparna Dhar Nath
Vs.
The State of West Bengal & Ors.**

Mr. Udaynarayan Betal,
Mr. Kingshuk Mondal

... for the petitioner

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee,
Mr. Sandip Kundu
... for the respondent No. 15 to 17

Mr. Debabrata Mondal
..... for the State respondent

The petitioner filed the instant application on the allegation that the private respondents were making illegal and unauthorized construction over a water body by converting the same to Viti.

The learned advocate appearing on behalf of the State respondent submits, upon instruction, that the land has been permitted to be converted in terms of the application made by the concerned raiyat.

The Additional District Magistrate and the District Land and Land Reforms Officer has forwarded the copy of the record of rights as well as the permissions for change in use and character of the same as per provisions of Section 4C of the West Bengal Land and Land Reforms Act, 1955.

The learned advocate appearing on behalf of the private respondents submits that construction is being

made thereon after obtaining sanction from the competent authority.

In view of the above, the instant writ petition is disposed of by directing the Berhampore Municipality to ensure that no construction is made in violation of the plan sanctioned, and in the event, there is any deviation from the sanctioned plan, necessary steps shall be taken by the said authority, strictly in accordance with law.

If the petitioner is at all aggrieved by the permission granted by the respondent authority for conversion of the land, then the petitioner will be at liberty to approach the appropriate forum, for redressal of her grievance, in accordance with law, if so advised. In such a case, the point of limitation is left open to be decided by the said forum, in accordance with law.

The instruction given by the State respondent is retained with the records.

WPA 4796 of 2020 stands disposed of.

Application for vacating being CAN 1 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)