

S/L . 22
31.08.2021
Court. No. 19
sn

WPA 11526 of 2021

Nandarani Naskar
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Ekramul Bari
Md. Hasanuz Zaman
Mr. Sultan Ali Mondal *...for the Petitioner*

Mr. Raja Saha
Ms. Tanuisri Chanda *..for the State*

Mr. Anjan Dutta
Mr. Tamal Ghosh *..for the respdts.8-10*

Let affidavit of service be taken on record.

The allegation in this writ petition is that the respondent nos. 8 to 10 have constructed on a plot of land pertaining to Dag Nos. 1192 and 859, which are allegedly classified as 'danga' and 'Sali' and not as 'bastu'.

The petitioner has alleged that the respondent nos. 8 to 10 have constructed on Dag No. 1192 and Dag No. 859 illegally and unauthorisedly. It is submitted by him that the sanction plan has been issued as per the provisions of the statute.

Mr. Dutta, learned advocate for the respondent nos. 8 to 10 produces copies of the sanction plan as also the receipt

granted for payment of costs for obtaining the said plan before the Court. He submits that the construction has been done, as per the sanction plan and the writ petition is frivolous.

Mr. Saha, learned advocate for the State respondents submits that the remedy of the petitioner is before the appropriate authority under the West Bengal Land Reforms Act, 1955. That the Panchayat authorities are not authorised to initiate any proceeding with regard to allegation of illegal conversion of the land.

Having heard the rival contention of the parties, this Court is of the opinion that as the respondent nos. 8 to 10 have been granted sanction, the allegation with regard to unauthorised construction in the absence of a sanction plan is not correct. However, this order shall not prevent the petitioner from approaching the appropriate authority in accordance with law with regard to allegation of illegal conversion of Danga and Sali land to bastu land in the absence of any order of conversion. If the petitioner approaches the appropriate authority, the said authority shall initiate proceeding as per law and dispose of the same upon hearing all parties. Appropriate orders will be passed

and communicated to all. The fate of the construction will depend on the decision of the authority.

The documents submitted before this Court by the respondent nos. 8 to 10 be taken on record. A copy of the same also be supplied to the learned advocate for the petitioner.

This Court has not considered whether there is any construction in deviation of the sanction plan.

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

All parties are directed to act on the learned advocate's communication.

(Shampa Sarkar, J.)