

Item No. 45

22.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 4133 of 2022

Maruf Hasan Mallick & Ors.
v.
The State of West Bengal & Ors.

Mr. Pintu Karar
... for the petitioner.

Mr. Jahar Lal De
Mr. Rudranil De
... for the State.

Mr. Niladri Sekhar Ghosh
Mr. Srimoyee Mukherjee
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
... for the respondent no. 7.

The petitioners allege illegal and unauthorized construction at the instance of the respondent no. 7, Maina Samanta.

The petitioner no. 3 claims that he is a Bargadar in the said land. The property in question is classified as Shali property.

Learned advocate representing the aforesaid respondent no. 7 has produced a document before this Court to show that the construction was made by Maina Samanta in accordance with the permission granted by the Gram Panchayat and plan was sanctioned by the Panchayat Authority. The permission for conversion of

the classification of the land from Shali to Bastu has also been allowed.

As it appears that the private respondent is making construction in accordance with the sanctioned plan after obtaining order for conversion of the classification of the land in question, accordingly, the submission of the petitioners that the private respondent is making construction over shali property without any sanctioned plan cannot be substantiated.

The writ petition fails and is hereby dismissed.

The documents handed over by the learned advocate representing the respondent no. 7 containing the sanctioned plan, the permission to construct and the order of conversion of the classification of the land be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)