

21.06.2022  
Sl. No.72  
srm

**W.P.A. No. 6608 of 2021**

**Kuddus Ali Molla**

**Versus**

**The State of West Bengal & Ors.**

Mr. Golam Karim Chowdhury

...for the Petitioner.

Mr. Ashim Kumar Ganguly,  
Mrs. Sukla Das Chandra

...for the State-respondents.

The petitioner had filed this writ petition with allegations against the Officer-in-Charge, Kashipur Police Station, South 24-Parganas. The allegation was that the Officer-in-Charge, Kashipur Police Station had obstructed in the construction which was being carried on by the petitioner, in accordance with the sanction plan.

On such averments, a coordinate bench permitted the petitioner to construct in accordance with the sanction plan.

Today, the Deputy Superintendent of Police (Crime), Baruipur Police District, has filed a report, from which it appears that there was a long standing dispute between the petitioner and his relatives over demarcation of the land. It has been specifically stated in the report, that the petitioner had never visited the Kashipur Police Station and the allegation of the police causing obstruction, was completely incorrect. Rather,

upon enquiry when the police authorities found that the dispute was with regard to the land, the petitioner was advised to approach the appropriate Court for redressal of his grievances. The police authorities also ensured complete cooperation. Upon further enquiry it was found that the petitioner was making a construction on a 'Sali' land adjacent to a water body. It is further stated in the report that presently the land is a water body. The police report is taken on record.

The petitioner has submitted an application before the appropriate authority for conversion of the land, but the petitioner has not been able to substantiate his claim that the conversion was allowed. Construction on a water body cannot be allowed.

The Court finds that the sanction was granted in respect of a plot which continues to be sali as per the records available before this Court. Thus, the Court does not find any reason to grant any protection to the petitioner. If the petitioner can satisfy the police authorities that conversion was allowed, the police authorities shall not obstruct such construction, otherwise the police authorities are free to take steps as per the provisions of Section 4D of the West Bengal Land Reforms Act and under any law which shall be applicable in this case.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

**(Shampa Sarkar, J.)**