

13.12.2022
Sl.No.8
Ct.19
sn

WPA 27089 of 2022

Sakila Laskar
Vs.
The State of West Bengal & Ors.

Mr. Shamim Ul Bari
Mr. Hasanuzaman
..for the petitioner

Ms. Sipra Mazumder
Ms. Sangeeta Roy
..for the State

Mr.Tapan Coomar Dey
Ms. Shreya Chatterjee
..for the respdt.8

Sk. Aptabuddin **..for the Pradhan**

This writ petition has been filed with three fold allegations.

- (A) That the respondent no.8 was continuing to construct on LR Dag No. 478 of mouza Kanthalberia despite there being an order of status quo passed by a competent civil court.
- (B) Without partition of the land in question amongst the co-sharers, the said construction could not have been raised.
- (C) Without conversion of the land from 'Sali' to 'Bastu', the permission granting authority could not have processed the building plan.

The respondent no.8 denies the allegations. He produces a copy of the sanctioned plan and the order granting permission for change of character of the land from Sali to Bastu.

Learned advocate for the Pradhan also submits that the said plan was sanctioned after perusal of the order of conversion of the land to 'Bastu'. The permission to construct was granted sometime in September 2022 and the order of conversion was passed on September 27, 2021.

Under such circumstances, the allegation of unauthorised construction cannot be substantiated by the petitioner. Such allegation fails.

With regard to other contention of violation of the order of status quo, the petitioner will be at liberty to approach the civil court for necessary orders, strictly in accordance with law.

This writ petition is disposed of.

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

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

(Shampa Sarkar, J.)