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Ct No 2023
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**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 3582 of 2023

**Siddhartha Ram
Vs
The State of West Bengal & Ors.**

Mr. Golam Mohammad
Mr. S. M. Burhanuddin
... For the petitioner.

Mr. Biplab Ranjan Bose
... For the Bansberia Municipality.

Mr. Asoke Kumar Banerjee, Sr. Adv
Mr. Tapas Singha Roy ... For the KMC.

Ms. Joyee Maity,
... For the State.

The petitioner complains of illegal and unauthorised construction at the instance of the respondent No. 14 at Mouza Tribeni Baikunthapur, Block Mogra Chinsura, J.L. No. 36, P.S. Mogra, L.R. Dag No 1313, Khatian No. 1718, 4370, 4623 under Ward No. 21 of Bansberia Municipality, District - Hooghly.

The petitioner categorically contends that the plot being Dag No. 1313 as classified as Pukur in the Record of Rights maintained by the Government. Construction cannot be raised over a water body.

The petitioner alleges that objection filed before the Bansberia Municipality against such unauthorised construction is pending consideration.

Learned senior advocate representing the respondent no. 14 submits, upon instruction that, no

construction is being made at the instance of the private respondent.

It has been pointed out that the land of the private respondent is under Ward No. 16 and not Ward No. 21 as mentioned in the averments made in the writ petition and the prayers.

It has further been pointed out that the petitioner has affirmed true to his knowledge the submission that the petitioner met the concerned authority several times and disclosed facts to the officer of the Kolkata Municipal Corporation and the local police station.

It has been submitted that the land in question falls under the Bansberia Municipality and the Kolkata Municipal Corporation does not have any role to play in the matter.

It has also been pointed out that the age of the petitioner has been mentioned as forty in the affidavit affirmed by the petitioner; whereas in the application made under Section 144 Cr.P.C. the age of the petitioner has been mentioned as 28 years.

It has been submitted that the writ petition is a bogus one with all false and incorrect averments. Prayer has been made for dismissal of the same.

Learned advocate representing Bansberia Municipality submits a report before this Court. The said report annexes a communication of the Revenue Inspector to the Block Land and Land Reforms Officer, Chinsurah Mogra Block dated 05.01.2023 wherein it has been mentioned that a field enquiry was conducted and it

revealed that though the LR Plot no. 1313 is recorded as Pukur but in reality the said plot is a total solid land. Some trees and a small construction exist over the said plot. A concrete road also passes over this plot. The local people assured that the said pond was filled up quite long time back. Measurement was done in presence of both the parties regarding encroachment but nothing was found therefrom.

From the submissions made on behalf of all the parties and upon perusal of the materials available on record, the allegation of the petitioner regarding unauthorised construction over water body remains unsubstantiated. The writ petition contains several incorrect statements.

In views of the above, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

The report filed by the Municipality be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)