

12.04.2023
Item No. 11
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 3478 of 2022

**Sri Vivekananda Das & Anr.
Vs
State of West Bengal & Ors.**

**Mr. Chittopriya Ghosh
Ms. Priyanka Saha
... For the Petitioners.**

**Mr. Lalit Mohan Mahata
Mr. Rudranil De
... For the State.**

**Mr. Haradhan Banerjee, Sr. Adv.
Mr. Amitava Pain
Mr. Nilmoni Das
Mr. P. P. Mukhopadhyay
... for the Private Respondent.**

**Mr. M. Thakhur
Mr. Swarup Kumar Ghosh,
... For the Respondent nos. 7, 8 and 9.**

The petitioners are aggrieved by the order dated 28th January, 2022 passed by the Ghatal Municipality.

The petitioners submit that the Municipality erroneously directed demolition of only 188.55 Sq. Ft. of construction which was treated as illegal and unauthorised.

It is the contention of the petitioners that the entire construction is an unauthorised one. The same has been constructed without obtaining any sanction from the Ghatal Municipality. The plot in question being R.S. Plot No. 1692 is recorded in the name of the Collector, State of West Bengal. The said plot is a vested land and the same could

not be constructed upon by the private respondents. Further contention is that the land is a water body and no construction could be made thereon.

A report has been filed by the Block Land & Land Reforms Officer, Ghatal, Paschim Medinipur signed on 23rd May, 2022 mentioning that LR plot No. 1260 corresponding to R.S. Plot No. 1692 of Mouja Kushpata Gobindapur, J.L. 145 is recorded in the name of the Collector with total area 0.03 acre.

One Beauty Kulovi has prayed for long term settlement for 99 years on LR Plot No. 1260 with area 1316 square link before the Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur.

The order passed is appealable under the provisions of the West Bengal Municipal Act, 1993.

The legality of the order is required to be determined upon taking evidence.

A title Suit being T.S. 74 of 2022 is pending consideration before the Court of learned Civil Judge (Junior Division), Ghatal, Paschim Medinipur filed by the private respondents in respect of the selfsame plot of land against the petitioners herein.

It will be open for the petitioners to approach the appropriate forum for remedy.

No relief can be granted to the petitioners in the instant writ petition.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)