

20.03.2023
Court No. 19
Item no.18
CP

WPA No. 5525 of 2023

Smt. Sujata Paul
Vs.
The State of West Bengal & Ors.

Ms. Sormi Dutta

...for the petitioner.

Mr. Ejaz Khan
Mr. Prodip Kumar De
Ms. A. Adhikary

....for the respondent no. 11.

Mr. Jahar Lal De
Mr. Rudranil Dey

.....for the State.

Mr. Mekhla Sinha

.....for the Howrah Zilla Parishad.

The court is of the view that the allegation that without conversion of R.S. Dag No. 578 of Mouza – Andul which was recorded as ‘Doba’, the respondent nos. 8 to 13 could not have constructed on the said land, has to be decided by the concerned Block Land & Lard Reforms Office. Whether any conversion was obtained or not before constructions were made is relevant for consideration. The petitioner has already approached the said authority. The authority shall decide the mater in accordance with the provisions of the West Bengal Land Reforms Act, 1955.

The remedy available to the petitioner with regard to construction on a water body under any other law, is also kept open. If the petitioner approaches such authority, the authority shall dispose of the complaint of the petitioner in accordance with law.

This court has not made any observation on the merits of the claims and has noted that a partition suit is pending between the parties and other co-sharers before the learned Civil Judge (Senior Division), 3rd Court at Howrah being Title Suit No. 420 of 2021 and there is already an order of injunction with regard to the nature and character of the land in question and over the constructions of the shoprooms and the garages on the said land.

This order shall not preclude the petitioner from taking recourse to the provisions of the West Bengal Panchayat Act, 1973 at the appropriate stage when the situation so arises and pray for demolition of any unauthorized construction.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)