

11.08.2023

Item No.2

Ct. No.1

PG/AB

R.V.W. 121 of 2023
With
I.A. No. CAN 1 of 2023
With
I.A. No. CAN 2 of 2023
Julfikur Mondal & Ors.
Vs.
Shanti Ganatantra Sanghati Mancha & Ors.

Mr. Kallol Basu
Mr. Nilanjan Pal
Mr. Samik Sarkar.....for the review petitioners

Mr. Biswabrata Basu Mallick, Ld. AGP
Mr. Biman halder
.....for the State

Mr. Shamim Ahammed
Ms. Gulsamwara Pervin
.....for the respondent nos. 1 & 2

1. This review application has been filed to review the judgment and order dated 24th April, 2023 in W.P.A. (P) 243 of 2022. It is submitted that the review applicant was not a party to the writ petition and behind his back a direction has been issued pursuant to which the Sub-Divisional Officer, Bashirhat, North 24-Parganas has issued notice of eviction dated 26th May, 2023. Therefore, the applicant has filed the present application to review the judgment and order dated 24th April, 2023.

2. As rightly pointed out by the learned Government counsel that the land in question has been classified as a 'pond' in the revenue records. As long as the said classification has not been altered , no person has got any vested right to claim that they are entitled to construct a building in a land classified as 'pond'.
3. The learned advocate appearing for the review applicant would vehemently contend that the applicant had purchased the land and the applicant is economically in a poor condition and there are provisions under the various laws enacted by the State of West Bengal, which provides for conversion of land, which has been classified as a water body into a bastu land or a homestead land. In any event, such a request was neither made by the applicant nor his vendor or any predecessor.
4. In any event, such a power, even though if it exists under the statute, the State while exercising that power should bear in mind that the State is a trustee of such water bodies and waterways and ponds and any arbitrary exercise of the power for conversion of the land would be against public interest and would amount to breach of the public trust reposed on the State,

which is bound to protect such assets for not only the present but also for the posterity.

5. Thus, the review applicant has not made out any ground to review the judgment and order dated 24th April, 2023 in W.P.A. (P) 243 of 2022. Accordingly, the review application along with all other connected applications are dismissed.
6. The applicants are granted 15 days time from the date of receipt of server copy of this order to comply with the demand made in the notice dated 26th May, 2023 issued by the Sub-Divisional Officer, Bashirhat, North 24-Parganas.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)