

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

W.P.A 15796 of 2021

**Sk. Rajjak @ Sk. Abdul Rajjak & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Goutam Kumar Das,
Mr. Dipanjan Datta,
Mr. Atanu Basu,
Mr. Indranuj Dutta.
...For the Petitioners.**

**Mr. Himadri Sikhar Chakraborty,
Ms. Susnita Saha.
...For the State.**

**Ms. Papiya Banerjee Bihani.
...For WBPCB.**

**Mr. Mrinal Kanti Ghosh.
...For the Municipality.**

**Mr. Amit Ranjan Pati,
Mr. Sunayan Ghosh.
...For the Respondent
Nos. 14 and 15.**

The allegation of the petitioners is that the private respondents are guilty of raising construction over R.S. Dag No. 418 classified as 'Jal', 420 and 417 classified as 'Pukurpar'. The said construction was being made without obtaining any sanction from the Municipality.

Learned advocate appearing for the private respondent nos. 14 and 15 submits, upon instructions, that a conversion certificate was issued by the Sub-

Divisional Land & Land Reforms Officer, Kharagpur, Paschim Medinipur on 31st July, 2017 whereby the Plot Nos. 418 and 420 have been permitted to be re-classified as 'Bastu' for commercial purpose.

Permission was granted by the Midnapur-Kharagpur Development Authority for developing the land in question. Construction is being made over the subject plot of land in accordance with the plan sanctioned by the competent authority.

It has been submitted that no construction is being made over Plot No. 417.

The Executive Officer, Kharagpur Municipality has forwarded a report wherefrom it appears that a spot inspection was conducted upon prior notice to the petitioners, the District Land and Land Reforms Officer, Paschim Medinipur and the private parties.

Except the respondent no. 10 Smt, Ila Das, all were present at the time of inspection.

At the time of inspection it revealed that there was no civil construction at Plot No. RS 417. A building was constructed on Plot No. RS 418 with valid sanctioned plan and RS 420 is surrounded by brick boundary wall without any civil construction.

An enquiry report has been filed by the District Fishery Officer, Paschim Medinipur signed on 21st March, 2023 wherein it has been mentioned that the Plot Nos. 418 and 420 have been classified as 'Bastu' in the recent records and civil constructions are undergoing over the said plot.

A copy of the conversion certificate issued by the competent authority has already been handed over to the learned advocate appearing for the petitioners.

From the documents placed before this Court, the allegation of unauthorized construction made by the private respondents remain unsubstantiated.

In view of the above, no relief can be granted to the petitioners in the instant case.

The writ petition, accordingly, fails and is hereby dismissed.

The report filed by the District Fishery Officer, Paschim Medinipur signed on 21st March, 2023 is taken on record.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)