

Item No.9

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.04.2023
Ct-24

WPA 17366 of 2021
Salauddin Mudi

v.

The State of West Bengal & Ors.
With
CAN 1 of 2023

Mr. Iftekar Munshi
Mr. R. A. Khan
... for the petitioner.

Mr. Jahar Dutta
Mr. Naren Ghosh Dastidar
... for the State.

Ms. Chandrani Bhattacharya
Mr. Prosenjit Chowdhury
... for the Municipality.

The petitioner prays for cancellation of the sanctioned plan issued in favour of the Municipality for construction at holding no. 315, Jiban Krishna Bazar.

Specific contention of the petitioner is that the land over which the construction is being made is recorded as 'Bhagar' in the record-of-rights. Without necessary conversion of the classification of the land, construction cannot be permitted on the same.

Learned advocate representing the Municipality has submitted an affidavit mentioning that though the land is recorded as 'Bhagar' but a municipal market was running at the said plot on temporary basis for a long period of time. The market in question was in a

dilapidated condition and the vendors suffered from extreme poverty.

Upon considering the request of the vendors, the Municipality resolved to construct a proper market thereon and rehabilitate the vendors without taking any consideration from them.

A further affidavit has been filed by the Municipality mentioning that the construction has been made in accordance with the plan sanctioned. Presently the construction is over and the market is running smoothly.

It has further been submitted that the petitioner is a part of the extortion racket and is trying to extort money from the Municipality by filing false and frivolous proceedings before various fora.

I have perused the documents produced before this Court and upon hearing the submissions made on behalf of all the parties not inclined to interfere in the matter.

The Municipality appears to have made construction in accordance with the sanctioned plan and a market is running therefrom.

A report has been placed before this Court on the earlier occasion by the police. As of now there is no incriminating material against the petitioner and, accordingly, the enquiry as called for is not required to be proceeded any further.

Affidavit filed by the Municipality contains certain sanctioned plans.

The department is directed not to issue certified copies of the sanctioned plans or the police report(s) that are on record.

If record-of-rights of the subject plot of land has not been corrected till date, the Municipality shall take steps for correcting the same to avoid future litigations over the selfsame issue.

The writ petition and the connected application stand disposed of.

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

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(Amrita Sinha, J.)