

05 18.04.2023
& 06 Ct. No. 01
AN
S.S.

WPA 9087 of 2020

Prithvijoy Das

Vs.

The Principal Secretary, Ministry of Home Affairs & ors.

With

WPA(P) 548 of 2022

Smt. Padma Nag alias Padma Bala Nag & anr.

Vs.

The State of West Bengal & ors

Mr. Sayak Konar

Mr. Surajit Sengupta

... For the petitioners in WPA(P) 548 of

2022

Mr. Partha Sarathi Pal

... For the State in WPA 9087 of 2020

Mr. Jahar Lal De

Mr. Supratim Dhar

... For the State in WPA(P) 548 of 2022

Mr. Debopriyo Gupta

... For the respondent no.6 in WPA(P) 548 of 2022

Mr. Ashok Banerjee, Sr. Adv.

Mr. Ankit Sureka

... For the respondent nos.11 to 13 in
WPA(P) 548 of 2022

In Re. : WPA 9087 of 2020

1. None appears for the petitioner on call. We have heard learned counsel appearing for the respondents.

2. This writ petition has been filed alleging that the private respondents are unauthorizedly filling up a water body. Two reports have been filed and the latest of which is in the form of an affidavit dated 7th January, 2022 and it is stated that inspection was conducted in the said property and during such inspection and enquiry it was found that the subject plot of land does not comprise water body and it is a high land adjacent to

the eastern side of the canal south road and as per the available record of rights, subject plot is not vested to the State and it is a private property.

3. In the light of the stand taken by the Block Land and Land Reforms Officer, South 24-Parganas, we dispose of this writ petition by directing the State authority to communicate the said information to the writ petitioner in writing leaving it open to the writ petitioner to work out remedy in accordance with law.

In Re. : WPA(P) 548 of 2022

1. By way of this Public Interest Litigation the writ petitioners would allege that the plot no.618 which was shown to be classified as Khal measuring extent of 0.7020 acres has been converted into the homestead land and the land is plotted out by the respondent Housing Society and allotments have been made to private persons.

2. Learned senior counsel for the respondent nos.11 to 13 would question the maintainability of the writ petition at the instance of the writ petitioners stating that there is no public interest involved. This allegation will be gone into after the report is filed and the matter is taken up. In the event, if it is found that conversion of the land from a canal to homestead plot is illegal, the Court is not without power to restore the same to its original position.

3. Appropriate official authority who is required to answer this allegation made by the petitioner is the 4th respondent, namely the Block Land and Land Reforms Officer, ATM Kasba. There will be a direction to the 4th respondent to file a report in the form of an affidavit as to under what basis the original classification of the land in question was converted. Till

the report is filed and the matter is considered by this Court, there will be an order restraining the 11th to 13th respondents and its nominees from putting up any construction further on the plot/land in question. Let such report be filed within two weeks from date after serving copies on the learned advocates for the writ petitioners as well as private respondents and one week is granted to the writ petitioners to file exception to the report.

4. The concerned Block Land and Land Reforms Officer is also directed to annex the copies of the record of rights concerning the plots in question and the orders of conversion of the plots in question, if any, in the said report.

5. Let the matter appear in the Combined Monthly List of May, 2023.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)