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Ct
No24 .2024
AGM

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

WPA 3572 of 2024

**Basudev Munian
Vs
State of West Bengal & Ors.**

**Mr. Soumen Kumar Dutta.
Sk. Sayan Uddin.**

... For the petitioner.

**Mr. Sadhan Kumar Halder.
Mr. Bishnupada Jana.**

... for the State.

**Mr. R. Mitra.
Mr. B. K. Das.**

... for the respondent no. 7.

The petitioner and the private respondent are brothers. Both allege illegal and unauthorised construction made by the other without conversion of the classification of the land in question. Both are patta holders of the same plot of land recorded as 'Jol' in the records maintained by the Land Department.

The petitioner claims to have made representation before the gram panchayat alleging unauthorised construction. There is however nothing on record to suggest that the objection was at all filed by the petitioner before the gram panchayat.

The private respondent submits that the petitioner deliberately excavated a water body in the agricultural plot of land without obtaining any permission.

It appears from the submission made on behalf of the petitioner and the private respondent and upon perusal of the materials placed before this Court in the writ petition and in the affidavit in opposition filed by the private respondent that there are allegations and counter-allegations of unauthorised construction.

The issue to be decided is whether any permission was granted by the competent authority for change of the classification of the land in question and the construction, if any, made was in accordance with any sanctioned plan or not.

In view of the above, the instant writ petition is disposed of by directing the BL & LRO, Khejuri (II) to cause a spot inspection to ascertain the proper classification of the land. If it appears the character of the land has been changed without proper order of conversion, then necessary steps shall be taken to deal with the same in accordance with law.

Spot inspection shall be conducted upon prior notice to all the necessary parties including the gram panchayat to ascertain whether the character of the land has been changed and whether any construction has been made without proper sanction. If any unauthorised construction is detected, steps shall be taken against the same by the gram panchayat.

Both the parties will be at liberty to forward representation highlighting their grievances to the BL & LRO and also to the Pradhan of the Gram Panchayat for taking necessary action in the matter.

The BL & LRO shall take steps in the matter at the earliest but positively within a period of twelve weeks from the date of receiving the representation from the parties.

After receiving the report from the BL & LRO the panchayat shall decide the issue of unauthorised construction at the earliest but positively within a period of eight weeks from the date of receipt of the report from the BL & LRO.

Leave is granted to the advocate on record of the petitioner to implead the BL & LRO, Khejuri (II) as party respondent in the instant writ petition and serve copy of the writ petition upon the added respondent. The private respondent will also serve a copy of the opposition along with all supporting documents to the BL & LRO and the gram panchayat at the time of communicating the order of Court.

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

(Amrita Sinha, J.)