

W.P.A. 2738 of 2019

**Samnur Khatun Bibi
Vs.
The State of West Bengal & Ors.**

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
Mr. Ankit Chatterjee
...for the petitioners

Mr. Bipin Ghosh
...for the State

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

In spite of service of notice upon Baruipur
Municipality and private respondents the municipality
and respondents are not represented today.

Learned advocate representing the petitioner
submits that he has purchased land under Plot No.
698/1170 of Mouza-Subuddhipur, JL No. 32 and
subsequently on obtaining permission from the
concerned authority of Baruipur Municipality started
construction. However, there was disturbance in carrying
out construction work from the neighbours which
prompted the petitioner to approach this Court with the
present writ petition in order to restrain the private
respondents from interfering with the construction work
which is required to be carried out in terms of the
sanctioned plan accorded by the municipality.

It is also submitted that the report prepared by the Block Land and Land Reforms Officer Baruipur, South 24 Parganas dated 19th March, 2019 which is available on record is erroneous and in this regard reliance has been placed on Section 4B of the West Bengal Land Reforms Act, 1955. According to the petitioner for the purpose of enhancing height of the adjoining land pond was created. Therefore, the authority needs to consider the land in question as 'Bastu' not as 'Pukur' and should have permitted the petitioner to complete the construction.

State-respondents are represented by learned advocate who has relied upon the report of the Block Land and Land Reforms Officer dated 19th March, 2019 wherein it is specifically stated that in the land in question measuring 63 decimal which is classified as 'Bastu' but approximately 13 decimal in the plot of land being no. 693 on physical inspection was found as 'Pukur' which is situated just beside the municipal road. According to the State-respondents since on physical inspection part of the land in question has been found as 'Pukur' Section 17A of the West Bengal Inland Fisheries (Amendment) Act, 2008 is applicable.

Having considered the submissions made on behalf of the parties and on perusal of the relevant records including the report of the Block Land and Land Reforms Officer dated 19th March, 2019 prayer made in this writ

petition at this stage cannot be allowed thereby permitting the petitioner to make construction on the land in question upon restraining the private respondents. However, this court is not expressing any view with regard to the report of the Block Land and Land Reforms Officer dated 19th March, 2019 wherein it has been stated that out of total area of the land in question situates at Plot Nos. 693 and 698/1170 of Mouza- Subuddhipur, 13 decimal approximately was found to be Pukur on physical inspection.

It will be open to the petitioner to initiate appropriate proceeding in accordance with law for obtaining necessary declaration relating to the nature of land in question which is owned by the petitioner.

With the aforesaid observations, the writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)