

July 24, 2024
23 ARDR

CRR 1833 of 2023
CRAN 1 of 2023
CRAN 2 of 2023

Ram Prasad Das Roy
Vs.
The State of West Bengal & anr.

Adv. Ayan Bhattacharyya,
Adv. Suman Basu,
Adv. Abdul Masood,
Adv. Sajid Hussain,
Adv. Debanwita Pramanik,
... for the petitioner.

Adv. Debasish Roy, Ld. P.P.,
Adv. Arijit Ganguly,
Adv. Kaushik Kundu,
..for the State.

Report submitted on behalf of the State is taken on record.

Heard learned counsels for the parties.

The petitioner seeks quashing of G.R. case no. 1458 of 2023 pending before the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas on the ground that no offence as alleged has been made out either in the F.I.R. or in the charge sheet and the petitioner has obtained necessary sanction from the appropriate authority for construction of multistoried building upon conversion of the plot in question which was initially “Shali”.

The documents on record reveal that the petitioner was granted permission for conversion of the classification of the land from “Shali” to “high rise” by the Block Land & Land Reforms Officer, Sonarpur, South 24 Parganas on 4th August, 2023.

Though charge sheet has been submitted against the petitioner under Section 20 of the Inland Fisheries Act and Section 4D of the West Bengal Land Reforms Act, no *prima facie* offence as alleged has

been made out against him in the material collected during investigation.

In view of the above, the proceeding of G.R. case no. 1458 of 2023 alleging illegal filling up of water body by the petitioner has too weak a leg to stand upon. Allowing the said proceeding to continue shall be a futile exercise and abuse of the process of Court.

Accordingly, CRR 1833 of 2023 is allowed.

As a consequence, the connected applications being CRAN 1 of 2023 and CRAN 2 of 2023 are also disposed of.

Proceeding of G.R. case no. 1458 of 2023 pending before the learned Additional Chief Judicial Magistrate, Baruipur is quashed.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Suvra Ghosh, J.)