

20.06.2024
Item No.28
PG/KS
Ct. No.1

W.P.A.(P) 203 of 2024

**Biswanath Chatterjee alias
Mantu Chatterjee.
Versus
The State of West Bengal & ors.**

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
Mr. Trishtrya Mancherji.....for the petitioner

Mr. Samrat Sen, Ld. AAAG
Mr. Sk. Md. Galib
Ms. Sujata Mukherjeefor the State

Mr. Alak Kr. Ghosh
Mr. Arijit Deyfor the Kolkata Municipal
Corporation

Mr. Satyajit Talukdar
Ms. Rutika Verma.....for the Kolkata Metropolitan
Development Authority

1. The petitioner, by way of this public interest litigation alleges that certain unknown persons have illegally putting up construction and unauthorisedly parking vehicles in a land, which is earmarked as a playground.
2. After elaborately hearing the submissions of the learned advocates for the parties and perusing the documents filed in the writ petition, we find this submission to be not factually correct. In terms of the proceedings of the Additional District Magistrate and District Land and Land Reforms Officer, South 24-Parganas, the land in question is mutated in the name of Mahmudabad Properties Pvt. Ltd. of 51 Ezra Street consisting of an area of 2 Bigha 19 Katha and 03 Chatak 15 Sq.ft.

3. Further, the communication states that the vesting proceedings have been initiated and the matter is before this Court in a writ petition. However, the case number has not been given and this information has been secured from the competent authority, Kolkata under Urban Land (Ceiling & Regulation) Act, 1976.
4. Thus, as on date, there is nothing to indicate that the land is a playground though might have been used by the children and the persons in the locality as a playground or for the purposes of erecting Puja pandals. This, by itself will not classify the land as a playground. However, taking note of the fact that the proceedings have been initiated and a writ petition is also stated to be pending, we are of the view that the physical features of the property need not be altered for the present and shall await the decisions of the vesting proceedings and the writ proceedings and the other legal matters and the authorities shall ensure that no construction is put up in the area but as far as possible, the parking in the area should be regulated so that the land as of now shall be used by the children of that area.
5. However, this is subject to the orders that may be passed in the vesting proceedings.
6. With the above observations, the writ petition is disposed of.
7. No costs.

8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)