

19.09.2024

Sl.No. 16
Ct.No. 1
RP/Amalranjan

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA (P) 394 of 2024

Kamal Kanta Maity
VS
The State of West Bengal & Ors.

Mr. Dilip Kr. Saha
Ms. Dhriti Das

... for the petitioner

Mr. Sk. Md. Galib
Ms. Priyamvada Singh

...for the State respondents

1. In this public interest litigation, petitioner alleges that the respondent nos. 7 to 9 have encroached illegally into a land classified 'Doba' and proceeding to put up construction thereof.
2. It is seen that the Block Land & Land Reforms Officer has passed an order under section 4C(5) of the West Bengal Land Reforms Act, 1955 and show cause has already been issued to the private respondents on 31.1.2022 directing them to restore the previous condition of the land within a time framed. This appears to have not been done. Therefore, the petitioner has approached this court for implementation of the said direction.

3. Learned advocate for the State respondents has produced a copy of the written instruction given to them by the Block Land & Land Reforms Officer, Panskura II at Kolaghat dated 18.9.2024, from it is seen that the order and direction issued by the BL&LRO has not been complied with and action has been taken under section 4D of the West Bengal Land Reforms Act and FIR has been registered against the private respondents.
4. The written instruction further states that a field enquiry would be conducted in which it was found that there is a gas godown over LR Plot no. 705 (corresponding RS plot no. 570) classified as 'Doba' and half portion of plot no. 747 was filled with earth and constructed a pucca drain with concrete passage. Further, as per the report of the revenue inspector, private respondent no. 7 and another one namely, Dulal Routh have made unauthorised conversion over LR plot 747 and one Bipul Bhowmik of LR plot no. 705 of Mouza Raichak, JL no. 253 made an unauthorised construction in violation of section 4C(5) of the Act of 1955.
5. Thus, it is seen that as on date the order passed under section 4C(5) of the Act, has

not been challenged by the private respondents and others. If that be the case, the order passed by the BL&LRO cannot be a paper order and authority of the State with its local body, namely, concerned Panchayat and Municipality is to take action.

6. It is the Block Land & Land Reforms Officer is to take action against the person who have done illegality and the allegation made by the petitioner is found true that the construction is going, it should be stopped forthwith.
7. Therefore, we dispose of this writ petition by directing the concerned Block Land & Land Reforms Officer to conduct one more inspection and in that inspection the concerned local body, namely, the concerned Panchayat and Municipality should be directed to participate after notice to the respondent nos. 7, 8 and 9 and other persons whose names have been mentioned in the written instruction dated 8.9.2024 should also be given notice and action would be taken in accordance with law.
8. Needless to state that if there is any illegality and if it is found that construction is proceeding the same should be stopped forthwith.

9. The above direction be complied with by 4 weeks from the date of receipt of the server copy of this order.
10. With the above directions, this writ petition is disposed of.

(T.S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)