

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.23017 of 2023
Tapan Kumar Hati
-versus
The State of West Bengal & Ors.

Mr. Upendra Ray
Mr. Amitava Raha
... for the petitioner.

Mr. Debasish Das
... for the respondent no. 8.

Mr. Vivek Jyoti Basu
Ms. Anima Das Chakraborty
... for the State.

The petitioner alleges illegal filling up of a water body over Dag No. 6 which is classified as Doba.

Learned advocate representing the State respondents has taken specific instruction from the Block Land & Land Reforms Officer, Egra 1 and the Revenue Inspector, Egra Municipality which mentions that on enquiry it revealed that Hemanta Kumar Hati is the recorded owner of plot no. 06, Mouza-Bangshidharpur, J.L. No. 22 with area 0.12 acre, share 1.0000 classified as Doba in the LR record of rights vide Khatian No. 143.

Currently, the plot is being used as bastu and a one storied pucca building has been constructed on some portion of the said plot while the other portion is vacant.

A conversion certificate and a building plan passed by the Egra Municipality over plot no. 1/374 of the said Mouza in the name of the two sons of Hemanta

Kumar Hati viz. Balaram Hati & Jagannath Hati has been submitted during enquiry. The land in question has not been physically converted yet and the same is lying vacant.

The conversion was made in accordance with law and the construction was made after obtaining permission from the Egra Municipality. Permission was obtained for raising construction on plot no. 1/374 but construction has been made on plot no. 6 of the said Mouza.

It appears from the report forwarded by the State respondents that conversion certificate was issued for conversion of the classification of the plot of land and permission was obtained from the Egra Municipality for raising construction over plot no. 1/374.

Learned advocate representing the private respondent submits that his client made construction over plot no.1/374 and not on plot no. 6.

Egra Municipality is directed to take necessary steps in accordance with law to deal with the unauthorized construction if it transpires that construction has been made on a different plot of land where permission has not been granted for raising construction.

A notice shall be issued to both the parties for conducting spot inspection for ascertaining the plot number over which the construction has been made. Spot inspection report shall be served upon all the parties and thereafter a reasonable opportunity of hearing shall be given to all the parties to defend their respective stand.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Let the report of the BL & LRO, Egra-1, Purba Medinipur dated January 11, 2024 be circulated amongst the parties.

The report is retained with the records.

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

(Amrita Sinha, J.)