

Item No.16

02.01.2024

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 23989 of 2023
Abdul Kalam alias Abul Kalam & Ors.
v.
The State of West Bengal & Ors.

Mr. Partha Chakraborty
Mr. Supratim Dhar
Ms. Sayani Ahmed
Ms. Paulomi Dutta
Ms. Sarmishtha China
... for the petitioners.

Mr. Haradhan Banerjee, Sr. Adv.
Mr. Nurul Haque
Mr. Pankaj Halder
Sk. A. Haque
Mr. S.O. Touhid
Mr. Bankim Sarkar
... for the respondent nos. 8 & 9.

Mr. N.C. Bihani
Mr. Dwijadas Chakraborty
... for KMC.

Mr. Lalit Mohan Mahata
Mr. Jagabandhu Roy
... for the State.

The petitioners are aggrieved by the act on the part of the Corporation in sanctioning building plan for raising construction over lands classified as Shali i.e. agricultural land.

Learned senior advocate representing the private respondents submits that classification of the lands in question were duly converted and after obtaining the conversion certificate, plan for raising construction was sanctioned by the Kolkata Municipal Corporation.

Learned advocate representing the Corporation submits that an earlier writ petition on the selfsame cause of action is pending consideration before this Court. The present writ petition will not be maintainable and will be hit by the principle of *res judicata*.

Learned advocate representing the State respondents submits that if the petitioners are aggrieved by the order of conversion, then the petitioners ought to approach the appropriate forum for relief.

From the submissions made on behalf of all the parties and upon perusal of the materials on record it appears that the petitioners have already raised this issue in the earlier writ petition which is pending consideration.

The conversion certificates have been produced before this Court by the learned senior advocate representing the private respondents.

According to the petitioner, the conversion certificates are forged.

The conversion certificates are taken on record.

I am of the opinion that the genuinity and veracity of the conversion certificates produced today in Court cannot be ascertained by the writ Court.

If the petitioners contend that the conversion certificates are forged documents, it will be open for the petitioners to take appropriate step before the appropriate forum for relief, if permissible in law.

There are several disputed question of facts involved in the present writ petition which cannot be adjudicated by the writ Court.

In view of the above, no relief can be granted to the petitioners in the instant writ petition.

The writ petition stands dismissed.

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

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(Amrita Sinha, J.)