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10.01.2024
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 25892 of 2023

**Jayanta Ghosh & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Shammim Ul Bari.
... For the petitioners.**

**Mr. Nilanjan Adhikari.
... for the Respondent nos. 10
and 11.**

**Mr. Puspendu Chakraborty.
Ms. Prisanka Ganguly.
... For the Respondent nos. 15 and 17.**

**Mr. Pritam Chowdhury.
Mr. Monoyj Kumar Mondal.
... for the State.**

The petitioners complain of illegal and unauthorised construction at the behest of the private respondent.

It has been submitted that the construction is being made without a valid sanction plan and without converting the classification of the land. Further allegation is that there has been encroachment of public land at the time of raising construction.

Objection filed before the Panchayat is alleged to be kept pending.

Learned advocate representing the private respondents denies the allegation of the petitioners.

It has been submitted necessary permission for conversion was duly obtained. The plan in

question was sanctioned relying upon which the construction has been made.

Learned advocate representing the State respondents relies upon the instruction obtained from the Block Development Officer, Diamond Harbour Development Block-I signed on 9th January, 2024.

The report suggests that the construction was made approximately 16 feet away from the highway land. The report further mentions that the building plan was approved in September, 2023.

Joint field verification was conducted in the presence of the Pradhan and the officers of the Block Development office and the Block Land and Land Reforms office. No illegality in making construction has been detected.

From the submissions made on behalf of the parties and upon perusal of the materials on record, the allegations of the petitioners relating to unauthorised construction remain unsubstantiated.

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

The instruction forwarded by the Block Development Officer signed on 9th January, 2024 be retained with the records.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)