

02.07.2025  
Ct. no.42  
Sl. No.33  
ss

**IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE**

**W.P.A. 1944 of 2024**

**Asit Bag & anr.  
versus  
The State of West Bengal & ors.**

Mr. Sayan Banerjee  
Ms. Suparna Dutta  
... for the petitioners

Mr. Pankaj Halder  
... for the State

Mr. Keshab Chandra Das  
Mr. Biplab Adak  
Ms. Aparajita Mondal  
... for the respondent nos.7 & 8

Affidavit of service filed on behalf of the petitioners  
is taken on record.

This writ petition is filed seeking for demolition of  
illegal unauthorized construction undertaken by the  
private-respondents over the land comprised within Plot  
No.5395 Mouza Shree Krishnapur, J.L. No.30 under  
Police Station Dhoniya Khali, District Hooghly.

The petitioners contend that they are the co-  
sharers in respect of the aforesaid land-in-question. On  
23<sup>rd</sup> September, 2016 the petitioners came to learn that  
the private-respondents without obtaining permission  
from the authority concerned have started to make  
unauthorized construction. From the order of the B.L. &  
L.R.O., Dhaniakhali Block and the reply to the RTI dated  
14<sup>th</sup> October, 2022 it is revealed that the sanction plan

has been obtained on 17<sup>th</sup> March, 2022 which presupposes that in the year 2016 there was no such permission obtained by the private-respondents for undertaking such construction. Hence, this writ petition seeking demolition of such unauthorized construction.

Mr. Sayan Banerjee, learned Advocate for the petitioners submit that order passed by the B.L. & L.R.O., Dhaniakhali Block and the reply to the RTI application would show that the permission for building plan was accorded on 17<sup>th</sup> March, 2022 which implies that in the year 2016 when the construction was undertaken by the private respondents there was no existence of any building plan sanctioned by the concerned authority. He seeks for necessary direction upon the Pradhan of the concerned Gram Panchayat for taking appropriate steps for demolition of the construction undertaken by the private respondents.

On the contrary, Mr. Pankaj Halder, learned Advocate appearing on behalf of the State submits that the petitioners in the present writ petition have not challenged the building plan sanctioned by the authority concerned in favour of the private respondents. Therefore, the prayer for demolition of structure is not at all maintainable in respect of construction made in accordance with building plan. He seeks for dismissal of the writ petition.

Mr. Keshab Chandra Das, learned Advocate appearing on behalf of the private-respondents submit

that after conversion of the classification of the land from 'Sali' to 'Bastu', building plan of the private respondents has been sanctioned in favour of them. Therefore, prayer in the writ petition is not at all tenable.

Previously, a writ petition was filed by the petitioners being WPA 24519 of 2016 and on 1<sup>st</sup> March, 2022 the following order was passed by the coordinate Bench of this Court:-

*“On hearing the writ petition and also perusing the representation of the petitioners dated 23<sup>rd</sup> September, 2016 at page 30 of the writ petition it appears that a dispute relates to Barga recording in the name of the petitioners vis-à-vis the private respondents.*

*Therefore, this Court does not have the jurisdiction to entertain the present writ petition and accordingly the same stands dismissed. However, this order shall not preclude the writ petitioners to approach the appropriate forum in accordance with law, if so advised.”*

The aforesaid order was challenged in appeal being MAT No.608 of 2022 wherein the aforesaid order passed by the learned Single Judge was set aside by the Hon'ble Division Bench on 1<sup>st</sup> July, 2022 with the following directions :

*“We are not inclined to enter into the merits of the dispute. We grant liberty to the appellants to make a comprehensive representation to the concerned Block Development Officer, being the respondent no.5 herein within a fortnight from date. If such representation is made within the time period indicated, the respondent no.5 shall dispose of the same in accordance with law by a reasoned order within six weeks from the receipt of the representation, after giving an opportunity of hearing to all concerned parties, including the appellants and the private represents herein. The decision so taken shall be communicated to the parties within a week from the date of the decision. Needless to say, if the respondent no.5 finds merit in the complaint of the appellants, he shall take appropriate steps in accordance with law.”*

Pursuant thereto, on 4<sup>th</sup> August, 2022 the Block Development Officer, Dhaniakhali Block, respondent no.4 passed the following order :

*“The Private Respondents Sk. Kashem Ali & Anr. denied the allegation of the Appellant and stated that the plot purchased by them was converted to ‘Bastu’ from ‘Sali’ by the original owner and submitted the order there of dated 05/09/2016 vide case no IX-2/249/DNK of the BL&LRO, Dhaniakhali. They also stated that they obtained House Building permission from the concerned Gram Panchayet authority and therefore, there is no question of any illegal or unauthorized construction.*

*And*

*The Pradhan, Dasghara II Gram Panchayet also denied the allegation regarding unauthorized construction of the Appellant and stated that the building plan permission has been duly issued to the Private Respondents on 17-03-2022 after verification of all relevant documents.*

*And*

*The representative of BL&LRO present in the hearing examined the documents produced in original by the Private Respondents and it had been observed that the Private Respondents are the legal owner of the land.”*

The aforesaid order dated 4<sup>th</sup> August, 2022 was challenged by the petitioners in a writ petition being WPA 6257 of 2023. The said writ petition was disposed of with the following directions:

*“The Block Land and Land Reforms Officer will hold an inspection in presence of all the parties including the gram panchayat authorities, consult relevant records and pass necessary orders upon hearing all concerned, including the respondent nos.8 and 9.”*

Pursuant to such directions, the Block Land and Land Reforms Officer, Dhaniakhali, respondent no.6 passed the following orders on 8<sup>th</sup> November, 2023:

*“From the documents submitted by the respondents it appears that the that conversion certificate has been issued to Sk. Saifuddin S/O Bakth Jamal against L.R. plot no. 5395 area 0.09 acre from SALI to BASTU in mouza Srikrishnapur J.L. no. 30 and conversion certificate has been issued to Sk. Kasem Ali S/O Bakth Jamal against L.R. plot no. 5395 area 0.08 acre from*

*SALI to BASTU in mouza Srikrishnapur J.L. no. 30 by the then Block Land & Land Reforms Officer vide office Memo. No. IX-2/249/DNK/16 dated 05.09.2016 and IX-2/250/DNK/16 dated 05.09.2016 respectively. Henceforth approval of the Building plan has been issued by the Dasghara II Gram Panchayat to Sk. Saifuddin S/O Bakth Jamal on 17.03.2022.*

*Hence from the documents submitted it appears that conversion certificate had been issued to the respondents from classification to SALI to BASTU and the conversion had been made by them henceforth.”*

Thus, from the aforesaid order, it is evident that order has been passed for conversion of classification of land from ‘Sali’ to ‘Bastu’ in favour of the private respondents. Further the building plan has been duly sanctioned on 17<sup>th</sup> March, 2022.

The petitioners in the present writ petition have sought for demolition of the construction undertaken by the private-respondents. However, it is pertinent to note that neither the order dated 8<sup>th</sup> November, 2023 of Block Land and Land Reforms Officer, respondent no.6, has been challenged pursuant to the order passed in WPA 6257 of 2023 nor the sanction building plan in favour of the private-respondents has been challenged in the present writ petition. In view of the above, the writ petition falls short of merit.

Accordingly, writ petition being no. **WPA 1944 of 2024** stands dismissed.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

**(Bivas Pattanayak, J.)**