

29.07.2025
Sl. No. 27.
D/L.
Mithun
Ct.No.42.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 2060 of 2024

**Shyamsundar Naskar & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya,
Mr. Goutam Sardar,
Mr. Bhaskar Bhattacharyya,
Mr. Goutam Malik

...for the petitioners

Mr. Samir Haldar,
Ms. Cardina Roy,
Mr. Vaskar Pal

...for private respondent nos.10 and 11.

Mr. Amal Kr. Sen, Ld. AGP,
Mr. Gourav Das

...for the State-respondent.

On the prayer of learned Advocate for the petitioner, leave is granted to file supplementary affidavit.

Supplementary affidavit filed on behalf of the petitioner is taken on record. Copy served.

By the present writ petition, the petitioner seeks for direction upon the respondent authorities for demolition of illegal and unauthorized construction undertaken by private respondent in respect of the plot being plot no.869, J.L. No.32 corresponding to R.S. Khatian No.1732, 1724 situated and lying at Mouza-Subbuddhipur, Block-Baruipur, South 24-Parganas.

Petitioner contends that the private respondents have undertaken unauthorized and illegal construction over the aforesaid plot of land without obtaining building sanction plan and also without conversion of the classification of the land.

Mr. Sounak Bhattacharyya, learned Advocate for the petitioners submits that the private respondents without any sanction building plan has undertaken illegal construction. The nature of subject land is '*Sali*' as per record of rights. The work of construction has been undertaken without conversion of nature of land. No building plan can be sanctioned in respect of land classified as '*Sali*'. He seeks appropriate orders for demolition of the illegal and unauthorized construction undertaken by the private respondents.

On the contrary, learned Advocate for the private respondent nos.10 and 11 submit that the work of construction has been undertaken on the basis of permission accorded by the Assistant Engineer, South 24-Parganas Zilla Parishad. The petitioner has also got the land converted from '*Sali*' to '*Bastu*'. She files the copy of the plan as well as the conversion letter. She seeks for dismissal of the writ petition.

None appears on behalf of the State.

Mr. Amal Kr. Sen, learned Additional Government Pleader along with Mr. Gourav Das, learned Advocate who usually appear on behalf of the State is requested to

appear in this matter. Let their appointment be regularized by the concerned authority.

Mr. Sen also submits that the permission has been accorded by the Zilla Parishad and the nature of land has also been converted.

Upon going through the sanctioned building plan and the conversion certificate, it appears that building plan has been sanctioned by the South 24-Parganas Zilla Parishad in respect of the plot in question. Prior to such sanction of the building plan, on an application by the private respondents, the classification of land has also been converted from '*Sali*' to '*Bastu*'. Therefore, the prayer of the petitioner in the writ petition that the work has been undertaken by the private respondents illegally and unauthorizely does not stand to reason. Accordingly, writ petition falls short of merit and as such, is liable to be dismissed.

With the above observation, the writ petition being **WPA 2060 of 2024** stands dismissed.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)