

15.12.2025
Ct. 3
Item No.
AD 10
Saswata

WPA 8409 of 2024
Bapi Bag & Ors.
Versus
State of West Bengal & Ors.

Mr. Arun Kumar Maiti (Mohanty)
Mr. Shaheb Sadhukhan
Ms. R. Mazumder

...For the petitioner

1. Although, the matter was mentioned for non prosecution, however, since the learned advocate appearing for the petitioners at the time of hearing would submit that the unauthorized construction has taken place within the panchayat area and proceeding has also been initiated under the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the “said Act”) by the Additional District Magistrate and District Land & Land Reforms Officer, Howrah and having noted that there has been violation of the provisions of Section 4C of the said Act, had directed the land to be restored to its original character, failing which the BDO to take appropriate steps, this Court had considered the maintainability of the writ petition before this Court.
2. It may be noted here that the order dated 15th December 2023 passed by the Additional District Magistrate and District Land & Land Reforms Officer, Howrah was at the instance of the petitioner who had moved the Hon’ble Division Bench of this Court in a Public Interest Litigation being WPA (P) 2010 of 2023. Though, the learned advocate appearing for the petitioners would submit that this

is a panchayat matter, however, noting that the matter pertains to implementation of an order under the provisions of Section 4C of the said Act which is a specified Act within the meaning of Section 2(r) of the West Bengal Land Reforms and Thika Tenancy Act, 1997, I am of the view that there is no scope to entertain the instant writ petition at the first instance.

3. The writ petition is, thus, dismissed for lack of jurisdiction leaving it open to the petitioner to apply before the appropriate authority if so advised.
4. The petitioner shall be at liberty to seek exclusion of the period for which the instant writ petition remained pending before this Court.

(Raja Basu Chowdhury, J.)