

23.05.2025
Sl. No. 07.
D/L.
Mithun
Ct.No.39.

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

WPA 7756 of 2025

**Tarun Kumar Santra.
Vs.
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri,
Ms. Mallika Manna,
Ms. Gopa Mainan

...for the petitioner

Mr. Suddhadev Adak,
Ms. Richa Pramanik

...for respondent nos. 8 and 9.

Mr. Gopal Chandra Ghosh, Sr Adv.
Mr. Rajkrishna Mondal,
Ms. Sunandana Saha

...for the private respondents.

Mr. Kamal Kumar Chattopadhyay,
Ms. Diotima Shresthaa Ghosh

...for the State-respondent.

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

This writ petition is filed seeking for direction
upon respondent nos.8 and 9, Bhadur Gram Panchayat
to construct a guard wall at plot No.2592, Mouza-
Gobindapur under Khatian No.1469, J.L. No.57, Police
Station Goghat, District-Hooghly and for consideration
of the representation of the petitioner dated 21st
November, 2024 (*Annexure-P/7*) by respondent nos.6
and 9 and for restoration of the original nature and
character of the plot nos.2592, 2593 2594, 2595 and
2598 part, J.L. No.57, Mouza-Gobindapur, Police Station
Goghat, District-Hooghly.

Petitioner contends that that the petitioner is the owner and occupier of *Bastu* land with building situated at L.R. Plot No.2591 and 2598 under Khatian No.1469, J.L. No.57, Mouza - Gobindapur, Police Station-Goghat, District-Hooghly measuring more or less 11 decimals and 9 decimals of land respectively by virtue of registered deeds of sale. The petitioner has made construction of his residential building upon sanction of building plan by the local Gram Panchayat. Recently the private respondents have excavated earth adjacent to the land of the petitioner and has made a tank without any authority of law. The fact was reported to the BL & LRO, Goghat-1, Hooghly Sub-Divisional Land & Land Reforms Officer, Arambagh, Hooghly as well as Block Development Officer, Goghat-1 Block and the local Gram Panchayat for redressal of his grievance. However, no steps has been taken. Hence, this writ petition.

Mr. Bhagbat Chaudhuri, learned Advocate for the petitioner submits that for the reasons of such excavation just adjacent to the land of the petitioner, the building of the petitioner is getting damaged. Previously, the private respondents acceded to construct a guard wall for protecting the house of the petitioner. However, they failed to construct the same. The petitioner finding no other alternative approached the concerned respondent authorities in order to protect his residential house from future damage. He seeks for a direction

upon the Pradhan to construct a guard wall or restore the nature of the land in its original form.

Mr. Gopal Chandra Ghosh, learned Senior Advocate appearing for the private respondents submits that for redressal of his grievance the petitioner has to approach the Collector under Section 4C(5) of the West Bengal Land Reforms Act, 1955. The Panchayat Pradhan has not got no authority to pass any order for restoration of the nature of land. He seeks for dismissal of the writ petition.

Mr. Kamal Kumar Chattopadhyay, learned Advocate for the respondent nos.8 and 9 also submits in the similar fashion.

The principal allegation of the petitioner is that the private respondents have excavated the land adjacent to the land of the petitioner without any authority.

In order to examine such allegation, it would be apposite to reproduce relevant provision of Section 4C sub-Section 5 of West Bengal Land Reforms Act, 1955 which is quoted below:-

[(5) (a) Without prejudice to the foregoing provisions of this section, where any plot of land has been changed or converted or altered in violation of this section, if the Collector, on his own motion or on receiving information, is of the opinion that it is necessary so to do in public interest, he may make an order directing a raiyat or a lessee for restoration of the original character of the concerned land within a specified time.

(b) On receipt of the order, the raiyat or the lessee shall restore the original character of the plot of land at his own cost within such time, as may be ordered by the Collector.

(c) If the raiyat or lessee fails to comply with the order, the Collector may take action for restoring the original character of such plot of land and realize the cost for restoration from the raiyat or the lessee.

(d) If the raiyat or lessee fails to pay the cost of restoration, the Collector may realize the cost as a public demand in accordance with the provision of the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913)].

Upon bare reading of the aforesaid provision, it manifest that where any plot of land has changed, or converted or altered in violation of the section, if the Collector, on his own motion or on receiving information is of the opinion that it is necessary to do so in the public interest, he may make an order directing a *raiyat* or lessee for restoration of the original character of the concerned land within a specified time.

Bearing in mind the aforesaid provision, the writ petition falls short of merit.

Accordingly, the writ petition being **WPA No.7756 of 2025** 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.)