

20th August, 2025

Item no.D/L 24
Court No. 14

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 17178 of 2025**

In the matter of :

Sk. Mohan

.... Petitioner

VS.

The State of West Bengal & Ors.

.... Respondents

For the Petitioner :

Mr. Alak Kr. Ghosh
Mr. R. Chakraborty
Ms. Manisha Nath

.... Advocates

For the State :

Mr. Jahar Lal De, Ld. AGP
Mr. Rudranil De

.... Advocates

For the Respondent Nos. 10&11 :

Mr. Mrinal Kanti Ghosh
Mr. Jayanta Dey
Mr. Saunak Mondal

.... Advocates

1. The petitioner is aggrieved by the action of the private respondents in raising construction over land classified as 'Jol' in Dag No. 8, Khatian No. 1480 without obtaining necessary permission for conversion of the classification of land.
2. The petitioner also challenges the illegal action of the private respondents in raising construction over Dag No. 8, Khatian No. 1010, which was classified as 'Jol' but later converted to 'Bastu' without following due provisions of law.
3. Learned advocate representing the petitioners submits that construction is being made without following the

environmental laws and also in violation of the provisions of the West Bengal Land Reforms Act, 1955.

4. The Block Land & Land Reforms Officer, Bhagwanpur-II has forwarded a report clearly mentioning that the plot being Dag no. 8 is not a wetland but the same is an agricultural land.
5. Learned advocate representing the private respondents submits that no construction is being made after obtaining necessary permission from the competent authority.
6. From the record of rights annexed at Page-5 of the supplementary affidavit filed by the petitioner it appears that Khatian No. 1010 has been permitted to be converted to 'Bastu' vide Conversion Case No. 522/2024.
7. Raising construction over a plot of land classified as 'Bastu' cannot be an illegal one provided the construction is being made in accordance with the plan sanctioned by the competent authority.
8. If the petitioner is aggrieved by the conversion being made then the petitioner ought to approach the competent forum for relief. Writ Court will not be the proper forum where permission for conversion of classification of land can be challenged.
9. As regards Khatian No. 1480 is concerned, it will be open for the petitioner to raise appropriate objection before the competent authority alleging illegal construction made over the plot of land which is recorded as 'Jol'.

10. Be it recorded that in the district of Purba Medinipur, the classification 'Jol' does not necessarily mean that the same is a water body. The same is an agricultural plot of land.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)