

19.09.2025
Sl. No.16(DL)
Ct. No.42
srm

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

W.P.A. No. 15129 of 2025

Manujura Khatun

Versus

The State of West Bengal & Ors.

Mr. Anindya Sundar Das,
Mr. Abinaba Dan,
Ms. Paramita Monda,
Mr. Suman Halder

...for the Petitioner.

Mr. Debnarayan Patra,
Ms. Debarati Sen (Bose)

...for the State.

Sk. Rejaul Alam

..for the Respondent Nos.11 to 15.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities particularly the respondent Nos.8 and 9 to take action against the private respondent Nos.11 to 15 for demolition of unauthorised construction undertaken over LR Plot No.4/680, J.L. No.194, Khatian Nos.2198, 2205, 2208 and 2209 under P.S.-Nandigram, District-Purba Medinipur, without any sanctioned building plan.
3. The petitioner contends that she is a co-sharer and occupier of the aforesaid property-in-question.

Several suits are filed by and between the parties. The private respondents have illegally and unauthorisedly raised two-storeyed building over the property-in-question without any sanctioned building plan. The plot-in-question is in the nature classified as “Ja”. There is no such conversion made at the instance of the private respondents prior to making such construction. On 19th June, 2025 the petitioner made a representation before respondent No.7, Block Development Officer, Nandigram-I as well as before respondent No.8, 3 No. Kamdamarijalpai Gram Panchayat for redressal of her grievance. However, no steps have been taken. Hence, this writ petition.

4. Mr. Abhinaba Dan, learned Advocate for the petitioner submits that matter may be relegated to the local gram panchayat to cause enquiry with respect to the issues raised in the present writ petition of unauthorised construction by private respondents and dispose of the representation of the petitioner dated 19th June, 2025 in accordance with law.
5. Sk. Rejaul Alam, learned Advocate appearing for the private respondents, on the contrary, submits that the construction has been undertaken over Dag No.4/680, Khatian No.2324 upon conversion and with proper sanctioned building plan. Therefore, there is no illegality in the work of construction

made by the private respondents. He seeks for dismissal of the writ petition. He files copy of the conversion certificate and copy of the sanctioned building plan which are taken on record.

6. Mr. Debnarayan Patra, learned Advocate for the State also submits that the conversion has been effected in respect of the LR Plot No.4/680 in Khatian No.2324 measuring an area of 0.03 acres from “*Jal*” to “*Bastu*”. Further sanctioned building plan in respect of the said land has been granted in favour of the private respondents. He files statement of facts furnished by respondent No.7, Block Development Officer, Nandigram-I Development Block, which is taken on record.

7. Learned Advocate for the State is directed to handover a copy of such statement of facts to learned Advocate for the petitioner.

8. Upon going through documents filed by the private respondents as well as the State, it is found that on an application by private respondent No.12, the land measuring 0.02 acres in Plot No.4 and 0.03 acres in Plot No.4/680, comprised within J.L. No.194, Khatian No.2324 has been converted from “*Jal*” to “*Bastu*”. Further, sanctioned building plan has been issued in favour of the private respondent No.12 in Plot Nos.4 and 4/680, J.L. No.194, Khatian No.2324 in Mouza-Gopimohanpur, P.S.- Nandigram, District-Purba Medinipur. The

petitioner though claims to be a co-sharer yet upon going through the record-of-rights being Annexure-P/1 at page 11 of the writ petition, the name of the petitioner does not appear in such record-of-rights. Thus the petitioner is a stranger to the property-in-question.

9. The Hon'ble Supreme Court in ***Ayaaubkhan Noorkhan Pathan -versus- State of Maharashtra and others***, reported in **2013(4) SCC 465** observed as follows:

"9. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order, etc. in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that the relief prayed for must be one to enforce a legal right. In fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same. [Vide State of Orissa v. Madan Gopal Rungta (1951 SCC 1024 AIR 1952 SC 12), Saghir Ahmad v. State of U.P. (AIR 1954 SC 728), Calcutta Gas Co. (Proprietary) Ltd. v. State of W.B. (AIR 1962 SC 1044), Rajendra Singh v. State of M.P. (1996) 5 SCC 460 AIR 1996 SC 2736] and Tamilnad Mercantile Bank Shareholders Welfare Assn. (2) v. S.C. Sekar (2009) 2 SCC 784.]

10. A "legal right", means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, "person aggrieved does not include a person who suffers from a psychological or an imaginary injury, a person aggrieved must, therefore, necessarily be one whose right or interest has been adversely affected or jeopardised. (Vide Shanti Kumar R. Canji v. Home Insurance Co. of New York [(1974) 2 SCC 387 AIR 1974 SC

1719] and State of Rajasthan v. Union of India (1977) 3 SCC 592 AIR 1977 SC 1361].)

.....
16. *In Ghulam Qadir v. Special Tribunal [(2002) 1 SCC 33], this Court considered a similar issue and observed as under: (SCC p. 54, para 38)*

"38. There is no dispute regarding the legal proposition that the rights under Article 226 of the Constitution of India can be enforced only by an aggrieved person except in the case where the writ prayed for is for habeas corpus or quo warranto. Another exception in the general rule is the filing of a writ petition in public interest. The existence of the legal right of the petitioner which is alleged to have been violated is the foundation for invoking the jurisdiction of the High Court under the aforesaid article. The orthodox rule of interpretation regarding the locus standi of a person to reach the court has undergone a sea change with the development of constitutional law in our country and the constitutional courts have been adopting a liberal approach in dealing with the cases or dislodging the claim of a litigant merely on hypertechnical grounds. ... In other words, if the person is found to be not merely a stranger having no right whatsoever to any post or property, he cannot be non-suited on the ground of his not having the locus standi."

17. In view of the above, the law on the said point can be summarised to the effect that a person who raises a grievance, must show how he has suffered legal injury. Generally, a stranger having no right whatsoever to any post or property, cannot be permitted to intervene in the affairs of others."Upon going through the aforesaid decision it has been laid down that a person who raises a grievance, must show how he has suffered legal injury. Generally, a stranger having no right whatsoever to any post or property, cannot be permitted to intervene in the affairs of others."

10. Bearing in mind the aforesaid proposition of law laid down by the Hon'ble Supreme Court, as primarily it is found that the petitioner's name is not appearing in the record-of-rights, she cannot meddle with the rights of the parties having right over the property. Hence the writ petition falls short of merit.
11. Accordingly, the writ petition being **WPA 15129 of 2025** stands dismissed.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.

15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)