

D/L37
18.11.2025
Rohit
ct.no.16

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**FMA 1450 of 2025
With
CAN 1 of 2025**

**M/s Sterling Finvest Pvt Ltd
Versus
The State of West Bengal & Ors**

Mr. Partha Chakraborty
Mr. Rishabh Dutta Gupta

...for the Appellant

1. Affidavit-of-service filed in Court today be kept with the record.
2. The present challenge has been preferred against an order passed by the learned Single Judge whereby the appellant's writ petition was dismissed. The primary prayer in the writ petition was a challenge thrown to the classification of the petitioner's land as a wet-land. According to the petitioner, the subject property was all along being recorded as agricultural land or *danga*, but was all on a sudden, in the year 2006, shown in the records as wet-land.

3. Challenging the same, a representation was given, with an alternative prayer for conversion of the land from wet-land to commercial user.
4. In the writ petition also, the primarily relief sought was a challenge thrown to the Gazette Notification dated March 31, 2006 whereby the petitioner's plot, along with others, was shown as a wet-land.
5. The learned Single Judge proceeded on the premise that in view of the enactment of the East Kolkata Wet Lands (Conservation and Management) Act, 2006, the petitioner's land was incorporated in Schedule I whereof, the challenge of the petitioner to the concerned Notification was bad in law.
6. Learned Counsel for the appellant, during arguments before us, submits that the petitioner would be content if at least the alternative prayer in the representation of the petitioner and the writ petition, to the effect that the prayer for the land to be converted from a wet-land to user for commercial purposes is allowed.
7. On a careful perusal of the order, we find that the plinth of the prayer was a challenge being thrown to the concerned Notification whereby the petitioner's land was classified as a wet-land. We agree with the observations of the learned Single Judge to the effect that in view of the enactment of the 2006 Act, the

petitioner's plot was statutorily incorporated under the category of Wet Lands. Nothing less than a challenge to the *vires* of the said statute, or to the policy behind it in principle, would entail the petitioner to have the said land classified as agricultural land.

8. Thus, we do not find any scope of interference with the impugned order of the learned Single Judge.
9. However, it is made clear that nothing in the order impugned before us shall preclude the petitioner from applying in appropriate format for conversion of the subject land within the contemplation of Section 10 of the East Kolkata Wet Lands (Conservation and Management) Act, 2006.
10. If such an application for conversion is filed, the concerned authorities shall consider the same as expeditiously as possible and decide on the same, if necessary by giving an opportunity of hearing to the petitioner at the earliest, preferably within one month from the date of such application.
11. Accordingly, FMA 1450 of 2025 is disposed of along with CAN 1 of 2025, without interfering with the impugned order but in the light of the above observations.
12. No order as to costs.

13. Urgent certified website copies of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)