

Sl. No.01
07.03.2025
Suman
Ct. 15

WPA 22124 of 2022

Subhankar Chakraborty
Vs.
The State of West Bengal and Ors.

Mr. Sanjib Seth
..for the petitioner

Mr. Sharnya Chatterjee
Ms. Riya Kundu
Ms. Puja Saha
..for respondent nos. 12 and 13.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
..for Howrah Municipal Corporation

Mr. S. K. Sinha
..for respondent nos. 14, 15 and 16.

The writ petition was disposed of on December 21, 2022, by a Coordinate Bench of this Court. However, the Appeal Court, by an order dated July 26, 2023, remanded the matter to the Single Bench.

The petitioner's grievance is that Respondent Nos. 12 and 13 are constructing on L.R. Plot No. 835, L.R. Khatian Nos. 11483, 12079, 956, 9808, 9846, Mouza-Unsani. The petitioner alleges that the relevant plot is a water body, and that the construction is being carried out in violation of Section 17(A)(1) of the West Bengal Inland Fisheries Act, 1984.

The learned advocate for Respondent Nos. 14, 15, and 16, who appear to be the co-owners of L.R. Plot No. 835, has submitted the relevant land records. It appears that L.R. Plot No. 835 was recorded as Plot No. 805 in the C.S. and R.S. record of rights. In all the records, Plot No. 835 is classified as “Bastu” land.

In light of this, it is difficult to hold that the land in question falls under Section 17(A)(1) of the West Bengal Inland Fisheries Act, 1984. Therefore, the petitioner’s assertion that the construction is being carried out on a water body is not accepted by this Court.

Accordingly, **WPA 22124 of 2022** is dismissed.

It is clarified that the petitioner will be at liberty to challenge the classification of the land in accordance with law before the appropriate forum.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)