

08.12.2025
Sl No.3
Ct. No.15
S.A.

WPA 24657 of 2025

Lakshmi Kanta Laha
-vs-
State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. Abhirup Halder

...for the petitioner

Mr. Debasis Sur

...for the State

Mr. Sibojyoti Chakrabarti
Ms. Sayani Dey
Ms. Indrani Lahiri
Ms. Riya Ghosh

...for respondent nos.6 to 8

Mr. Sanjib Dawn

...for respondent nos.11 & 12

As is often the case, a private dispute between two neighbours has once again been presented in a manner intended to bring it within the ambit of writ jurisdiction.

In an earlier round of litigation, the petitioner alleged unauthorized construction of a building on L.R. Plot No. 845, Mouza-Khantora, J.L. No. 24, under Domjur Police Station, Howrah, at the instance of respondent nos. 11 and 12.

A Co-ordinate Bench of this Court, by an order dated February 28, 2025, passed in WPA 22739 of 2019, directed the Sub-Divisional Officer, Sadar, Howrah, to consider the petitioner's grievance in accordance with law. In compliance with the said

order, the Sub-Divisional Officer conducted an enquiry through the Block Land and Land Reforms Officer. The enquiry report was considered, and after granting an opportunity of hearing to the parties, the Sub-Divisional Officer, Sadar, Howrah, rejected the petitioner's claim by an order dated July 4, 2025.

Mr. Bhattacharya, learned advocate appearing for the petitioner, challenges the order dated July 4, 2025, contending that the land on which the construction stands is classified as "Udbastu," and that no construction could have been undertaken without first converting the land to "Bastu" in terms of Rule 26 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004. By referring to certain replies obtained under the Right to Information Act, 2005, he further contends that the building in question does not have a sanctioned plan.

This Court finds no substance in the submissions advanced on behalf of the petitioner.

The order of the Sub-Divisional Officer, Sadar, Howrah, makes it explicit that although the land is classified as "Udbastu," there is no material distinction between "Udbastu" and "Bastu" classifications.

There is no difficulty in understanding the reasoning of the Sub-Divisional Officer. In common parlance, "Udbastu" land denotes land meant for

refugee rehabilitation, and such lands are ordinarily “Bastu” lands. Therefore, in the present case, no change of classification was necessary.

With respect to the allegation concerning the absence of a sanctioned plan, the order clearly records that the plan was sanctioned by the Zilla Parishad. Indeed, the communication appearing at page 46 of the writ petition, addressed to the petitioner by the Block Development Officer, Domjur, Howrah, unequivocally states that the building in question, having a plinth area exceeding 300 sq. meters, required permission from the Zilla Parishad. The communication further records that the construction was undertaken pursuant to due permission from the Zilla Parishad.

The Zilla Parishad is represented in this proceeding. Learned advocate appearing for the Zilla Parishad also submits that respondent nos. 11 and 12 possess a sanctioned plan granted by the Zilla Parishad in the year 2012.

Accordingly, **WPA 24657 of 2025** is dismissed as being devoid of merit.

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.)