

13.02.2025
Item No.17
gd/ssd

WPA(P)/524/2024
SK. MOBRAK HOSSAIN & ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Aritra Sankar Ray
..for the Petitioners.

Ms. Sumita Shaw,
Mr. Soumen Chatterjee
..for the State.

Mr. Amit Ranjan Pati,
Ms. Swastika Chowdhury
..for the Private Respondent No.7.

1. By this public interest writ petition the petitioners allege that the private respondents have illegally put up construction in a water body/Nayanjuli in plot no.1328.

2. The learned Government counsel, on instruction, submitted that the private respondents have purchased an extent of 11 decimal out of total 39 decimal in plot no.1328, applied for conversion and proceedings were initiated under Section 4C of the Act which has culminated in an order allowing conversion.

3. Thereafter the private respondents have applied to the authorities for obtaining building plan permission and thereafter construction has been put up.

4. The learned advocate appearing for the private respondents refers to the sale deed executed in favour

of the private respondents by the vendor wherein the property has been described as Raiyaty. Furthermore, in the petition given before the Executive Magistrate, Kharagpur in Reference P. Case No.533 of 2024 for a prayer under Section 163(2) of BNSS filed by the petitioners, in the schedule the suit land has been shown as plot no.1329, khatian no.822 measuring an extent of 9 decimal. The non-suit plot, according to the writ petitioners themselves is plot no.1328 of area 39 decimal which is a Nayanjuli.

5. As long as the order of conversion has not been put to challenge in the manner known to law, the question of issuing a direction in a public interest litigation to set at naught the order passed by the authority after adjudication a relief which is impossible of being granted.

6. Therefore, while disposing of the writ petition, we leave it open to the petitioners to question the order of conversion, if so advised, in accordance with law.

7. With the above observations, the matter stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)