

14.05.2025
Court No.1
Item No.38
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

MAT 191 of 2023

**Manindra Das
Vs.
The State of West Bengal and Ors.**

Mr. Hillol Saha Podder
Ms. Mousumi Das

... For the Appellant.

Mr. Pretom Das
Mr. Sumit Kumar
Mr. Sourav Sarkar

... For the State

Mr. Kunaljit Bhattacharjee
Ms. Suman Sehanabis (Mondal)
Mr. S. Sah
Mr. A. Chakraborty

... For the respondent Nos.8 to 15.

1. The appeal is directed against a judgment and/or order of the Single Bench whereby the Court refused to interfere with the construction of the private respondents on the ground that the writ petitioner has an effective alternative remedy under the WBLR Act, 1955.

2. It appears that the writ petitioner/appellant is a beneficiary of the “Nij Griho Nij Bhumi Prakaipo” (hereinafter referred to “the NGNB Prakaipo”) of the Government of West Bengal and was allotted a patta in respect of 0.05 acres of land in RS Plot No.215, Mouza – Purba Putimari, JL No.130. The appellant

has constructed a house on the property and is living thereat.

3. The private respondents, admittedly, do not have any title to the adjacent properties or land. There is a market called “Putimari Bazar” that is functional in the surrounding areas for more than 70 years. There is also a masjid, temple and school on the said premises. The question of any sanction plan for the construction effected by the private respondents, therefore, does not and cannot arise. The construction of the private respondents is *ex facie* illegal.

4. Pursuant to alleged oral directions from the coordinate Bench, the Assistant Director, B.L. & L.R.O., Mathabhanga has filed a report dated 20th February, 2025 in respect of the enquiry into the legality of the construction of the private respondents. The B.L. & L.R.O. has reported as a counterblast to the appellant that the land allotted under the NGNB Prakaipo cannot be used for commercial purposes or construction of palatial house. The B.L. & L.R.O. has indicted that the appellant himself is engaged in commercial activity which is prohibited under the NGNB Prakaipo.

5. Having regard to the facts and circumstances of the case, this Court is of the view that the appeal can be disposed of by directing Latapata Gram Panchayat

and the BDO, Mathabhanga II to make enquires as regards the legality of the construction effected by the private respondents and the writ petitioner. The user of the land contrary to the NGNB Prkalpo by the petitioner shall also be enquired into by the concerned BDO.

6. Needless to mention that in case of any construction is made unauthorizedly by any of the parties or land allotted under the NGNB Prkalpo is being used contrary to the said scheme, the concerned BDO and the Pradhan of the Latapata Gram Panchayat shall take all necessary steps for demolition of unauthorizedly constructed premises in accordance with law.

7. Appropriate steps may be taken by the concerned BDO against the petitioner if he is found otherwise not entitled to any benefit under the NGNB Prkalpo.

8. With the aforesaid directions, the appeal is disposed of. Consequently, all connected pending application, if any, is also disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)