

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 7719 OF 2026

**PRITHWIRAJ MAITY AND ANOTHER
VS.
THE STATE OF WEST BENGAL AND OTHERS**

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Mr. Debabrata Roy, Adv.
Mr. Bibekananda Tripathy, Adv.
Ms. Sarbani Mukhopadhyay, Adv.
...for the Petitioners

Mr. Asim Kumar Ganguly, AGP
Ms. Sanghamitra Nandy, Adv.
...for the State

Mr. Rinku Sen, Adv.
Mr. Sagnik Bhattacharya, Adv.
Ms. Ruksar Parveen, Adv.
Mr. Biswajit Chakraborty, Adv.
...for the Respondent No.5

1. Affidavits-of-service filed on behalf of the petitioners are taken on record.
2. Learned advocate representing the petitioners submits that on obtaining permission from the concerned Panchayat authorities petitioners started construction which was obstructed by the respondent nos.5 & 6 thereby prompting the petitioners to approach this Court with the present writ petition seeking direction upon the concerned police authorities which would facilitate the petitioners to make construction.
3. It is also submitted on behalf of the petitioners in reference to a document at page 14 of the writ petition that plot no.325 as per record of rights is a “Bastu” land. Therefore, there is no impediment in making construction on the said plot.

4. Learned advocate representing the respondent no.5 has opposed this writ petition by making submissions.
5. Learned advocate representing the State respondents has filed a communication dated 16th April, 2026 of Inspector-in-Charge, Nandigram Police Station, Purba Medinipur and same is taken on record. Copies of the said communication dated 16th April, 2026 are made over to the learned advocates representing the petitioners and the respondent no.5.
6. It is disclosed in the aforesaid communication dated 16th April, 2026 that the land comprises under plot no.331, which belongs to the petitioners, is demarcated as “Jal”.
7. It also appears from the said communication that having received complaint of the petitioners dated 14th February, 2026, in order to maintain peace and tranquility at the locale, a prosecution being Nandigram P.S. non-cognizable report no.479 of 2026 under Section 126 of Bharatiya Nagarik Suraksha Sanhita, 2023 was submitted.
8. From the submissions made on behalf of the parties and taking note of the contents of the communication dated 16th April, 2026, it transpires that land of the petitioners under plot no.331 is demarcated as “Jal” and unless a conversion order is passed thereby changing the nature of land, construction over the said land of the petitioners is found to be not permissible.

9. However, Court is not expressing any opinion with regard to right of the petitioners to make construction on the land under plot no.325, since nothing is disclosed in the said communication dated 16th April, 2026 filed today that there is any impediment in making construction.
10. If petitioners are obstructed from making construction at the instance of the private respondents then leave is granted to the petitioners to approach the appropriate forum in order to assert petitioners' right to make construction over the plot in question.
11. With the aforesaid observation writ petition stands disposed of.
12. However, concerned police authorities are directed to maintain peace and tranquility at the locale and keep vigil.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)