

23.06.2026
SL No.14
Court No.12
(gc)

**FMA 682 of 2026
CAN 1 of 2026**

**Sandhya Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Soumen Ghosh,
Mr. Goutam Sardar

...for the Appellant.

Ms. Susmita Saha Dutta, A.G.P.,
Ms. Tanusree Ghosh

...for the State.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh,
Ms. Debolina Ghosh

...for the Bally Municipality.

1. The appellant is aggrieved by an order dated April 1, 2026 by which the learned Single Judge dismissed the writ petition on the ground that the allegation of unauthorized construction on the facts which emerged during the hearing of the matter, was not proved.
2. The appellant had two-fold submissions with regard to the illegality in the construction of the respondent nos.7 to 16. First contention was that the construction was made by filling up a water body. Dag no.2097 had been classified as a "Doba". The G+3 building was constructed thereon. Secondly, the Municipality had illegally granted sanction/permission without ensuring that the conversion had been made in accordance with law. His Lordship noted that, in an earlier round of litigation, that is, in WPA 32208 of

2014, an inspection of the land was directed to be conducted. By a letter dated February 7, 2015, the Bally Municipality requested the Block Land & Land Reforms Officer, Bally Jagacha to remain present during inspection of the premises situated at holding no.43/2, Rabindra Sarani, Mouza – Liluah, falling within dag no.2097. A report was prepared, which was relied upon by His Lordship. It was found that the inspection was made on February 10, 2015 by a Government engaged Amin under the supervision of the Block Land & Land Reforms Officer, Bally Jagacha, in the presence of the appellant and the Sub-Assistant Engineer of Bally Municipality. Upon inspection, the Government appointed Amin had submitted a report before the Block Land & Land Reforms Officer. The said report revealed that dag no.2097 had been described as “Doba” in the record of rights, but upon physical inspection, no water body was found to be in existence. The said proceeding was initiated at the instance of the appellant and she was aware of the same. As per the findings in the report, the land in question was converted from “Doba” to “Bastu” pursuant to a direction of the ADM(LR) and District Land & Land Reforms Officer dated February 16, 2024. The Municipality granted permission for construction on March 7, 2025 and the construction had been raised by the private parties, on the strength of the sanctioned building plan. His Lordship found

that the steps which were taken earlier by the Block Land & Land Reforms Officer as also the Amin, as the request of the Bally Municipality had been suppressed by the writ petitioner/appellant, although the writ petitioner was aware of those proceedings.

3. Although, a supplementary affidavit was filed on the day the order impugned was passed, His Lordship records that such facts were within the knowledge of the appellant much before the writ petition had been filed. The writ petitioner/appellant, chose to suppress materials from the writ court at the first instance. Such finding of His Lordship is available at Paragraph 6 of the impugned order, which is quoted below:-

“6. At this stage, Mr. Bhattacharya, learned advocate representing the petitioner would like to disclose additional facts by way of a supplementary affidavit which is taken on record. Upon going through the supplementary affidavit, it transpires that the facts disclosed by the petitioner by the supplementary affidavit are the facts which were already in existence on the date when the writ petition was filed. The factum of passing of the order dated 3rd March, 2015 was obviously within the knowledge of the petitioner, though has not been disclosed in the present writ petition. The aforesaid conduct of the petitioner is not appreciated to say the least.”

4. Under such circumstances, His Lordship was of the view that, as the allegations could not be proved, no order could be passed.

5. We do not find any illegality in the order impugned.
6. Under such circumstances, the appeal and the connected application are dismissed.
7. However, there shall be no order as to costs.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)