

**IN THE HIGH COURT AT CALCUTTA**

CONSTITUTIONAL WRIT JURISDICTION

(APPELLATE SIDE)

**WPA 12969 of 2026**

**Ratikanta Santra**

**-Versus -**

**The State of West Bengal & Ors.**

Mr. Ramkrishna Bhattacharyya

Mr. Kaushik Choudhury

Mr. Tridib Das

Mr. Dwaipayan Panda

....for the petitioner

Mr. Aneep Dasgupta

....for the respondent nos. 5 & 6

Mr. Suryaneel Das, Ld. AGP

Mr. Partha Chakraborty

Mr. Bhaskar Bhattacharyya

...for the State respondents

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) Learned advocate representing the petitioner submits that in spite of fund being sanctioned in his favour for raising construction under a particular scheme private respondents are raising obstruction. Prayer is made in this writ petition for direction upon the concerned police authority which would facilitate the petitioner to raise construction on land in question.
- 3) State respondents and respondent nos. 5 and 6 are represented by learned advocates.
- 4) Mr. Das, learned Additional Government Pleader representing the State respondents has filed a

communication dated 22<sup>nd</sup> June, 2026 of Officer-in-Charge, Namkhana Police Station, Sundarban Police District and same is taken on record. Copies of the communication dated 22<sup>nd</sup> June, 2026 are made over to learned advocates for the petitioner and respondent nos. 5 and 6.

5) It is disclosed in communication dated 22<sup>nd</sup> June, 2026 that land in question is classified as “Khal” and said land vests with State Government.

6) However, learned advocate representing respondent nos. 5 and 6 has submitted that land in question is agricultural land. Therefore, without the land being converted same cannot be used for construction

7) Having considered the respective submissions made on behalf of the parties, Court finds police authority is not appropriate authority to decide the nature of land and whether present status of the land permits the petitioner to raise construction or not. If petitioner is obstructed by respondent nos. 5 and 6 from raising construction on land in question on the plea that land is agricultural land, in that event petitioner shall be at liberty to approach appropriate forum in pursuit of remedy.

8) Writ petition stands disposed of.

9) Urgent photostat certified copy of this order, if applied for be given to the parties on usual undertaking.

**(Saugata Bhattacharyya, J.)**