

Item Nos. 15

22.02.2023
Ct-24

In The High Court At Calcutta
Special Jurisdiction
Appellate Side

WPCRC 37 of 2022
In
WPA 30937 of 2017
Gobinda Ghosh & Anr.
v.
Shri Uttam Das

Mr. Sailendra Nath Chakraborty
Mr. Kaushik Choudhury
Mr. Sabyasachi Hazra
Ms. B. Khatun
... for the petitioner.

Mr. Syamal Kumar Das
Mr. Krishna Yadav
... for the contemnor.

Mr. Sukanta Das
... for the private respondents.

Construction made over an agricultural plot of land is complained of in the present writ petition.

It appears that on an earlier round of litigation a coordinate Bench of this Court held that it is impermissible to allow construction without change of user by any person whosoever. The Court, however, granted liberty to the person responsible for making construction to apply for review of the order by disclosing documents which ought to have been disclosed at the time of hearing of the writ petition.

The order was passed by the Court on August 28, 2019.

Learned advocate representing the person responsible for making construction submits, upon instruction that, the review petition has been filed and

the same is pending consideration. Accommodation has been sought for.

The amendment made in the West Bengal Land Reforms (3rd Amendment) Act, 2017 with effect from November 7, 2017 has been placed in Court.

It appears that the construction in question has been made without a formal order of conversion of the classification of the land by the State Government.

This Court reiterates the view of the coordinate Bench that it is impermissible to construct on the subject plot of land without conversion of its classification.

Since a prayer has been made for adjourning the matter till disposal of the review application, accordingly the writ petition be de-listed for the time being.

Liberty to mention.

Affidavit-of-service filed in Court today is taken on record.

Sh

(Amrita Sinha, J.)