



2023:CHC-AS:7517

23.12.2022
Court No. 19
Item no.02
CP

WPA No. 26540 of 2022

Sanjoy Malik & anr.
Vs.
The State of West Bengal & Ors.

Mr. Soumen Bhattacharya
...for the petitioners.

Mr. Jahar Dutta
Mr. Bipin Ghosh
...for the State.

Ms. Monjuli Chowdhury
Ms. Mekhla Sinha
...for the Zilla Parishad.

Mr. Kushal Chatterjee
Mr. Tauhid Khan
Mr. Shibjit Mitra
...for the respondent nos. 9 & 10.

Mr. A. Chatterjee
...for the respondent no. 4.

This court is dissatisfied with the casual manner in which the report has been filed by the Assistant Engineer, Howrah Zilla Parishad. Each and every point which was required to be answered, had been mentioned in the order dated December 14, 2022. The authority has not even come up with any clarity as to who was the permission granting authority and also whether the concerned gram panchayat had committed any error in granting the permission to the petitioners. Further, what should have been reflected in the report is whether there had



been any construction beyond what was sanctioned by the gram panchayat.

The District Engineer, Howrah Zilla Parishad shall be personally present before this court on January 17, 2023, when the matter will be appeared as Item No. 1 at 10.30 am.

The said authority will come back with the following answers:

- a) Whether the report talks about the construction on L.R. Plot No. 464 or Plot No. 463 and the approximate age of the construction.
- b) Whether the subject plot was identified and confirmed by the petitioner and the row of six buildings which were joined with each other for a stretch of 127 feet could had been sanctioned by the gram panchayat for construction on Plot No. 464.
- c) Whether commercial buildings of a single storey and G+2 storey with the height and the plinth area as mentioned therein, at any point of time could have been sanctioned by the Andul Gram Panchayat.
- d) Whether Plot No. 464 has been classified as 'Bastu' in the record of rights, or conversion had been permitted.



In order to answer these queries, a further inspection shall be made upon notice to all the parties. The concerned Block Land & Land Reforms Officer and the pradhan shall also be present during such inspection for demarcation and identification of the plot in question.

It is the contention of the respondents that the construction is on L.R. Plot No. 463 and not on L.R. Plot No. 464.

Exceptions to the report filed today or responses to the same be filed by the parties in the meantime.

The issues to be decided in the writ petition would be whether there has been any construction on L.R. Plot No. 464 without conversion and without permission from the permission granting authority.

The court is not happy with the slipshod manner in which the Zilla Parishad has dealt with the problem. It appears that they are evading their duties under the law by submitting ambiguous reports before the court.

The police officials have produced the pradhan before the court. Their effort is appreciated. The personal appearance of the pradhan is dispensed with.

(Shampa Sarkar, J.)