

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27739 of 2025

Sandhya Ghosh
Versus
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Soumen Ghosh
Mr. Goutam Sardar
... For the petitioner.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
Ms. Debolina Ghosh
...For the municipality.

Mr. Simanta Kabir
Ms. Sucheta Banerjee
... For the State

Mr. Abhisekh Banerjee
Mr. Subhajit Chattopadhyay
... For the respondent nos. 7 to 10

1. The present writ petition has been filed complaining that the private respondents have erected a G+3 building on a plot of land which is classified in the record of rights as “Doba”.

2. Considering such submissions, by an order dated 25th February, 2026, this Court had directed the municipality to file a comprehensive report.

3. Today, the municipality has filed a report in the form of an affidavit, which is taken on record. In such affidavit it has been stated that earlier a proceeding was initiated, in relation to the water body in Dag no. 2097, being WPA 32208 of 2014 before this Hon’ble Court.

4. Pursuant to the directions passed by this Court in WPA 32208 of 2014 an inspection of the concerned land was conducted by the competent authority. That in compliance with the directions of this Hon'ble Court, the Bally Municipality by a letter dated 7th February, 2015 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. The report further records that following the aforesaid, an inspection was conducted on 10th February, 2015 by a Government appointed Amin under the supervision of the Block Land & Land Reforms Officer, Bally Jagacha in presence of the writ petitioner and the Sub-Assistant Engineer of Bally Municipality. Upon inspection, the Government appointed Amin submitted a report before the Block Land & Land Reforms Officer. The said report reveals though dag no. 2097 has been described as "Doba" in the record of rights, upon physical inspection no water body was found to be in existence. The aforesaid proceeding was initiated at the instance of the writ petitioner, as such, he was aware of the same. As per the findings in the report, the land in question being dag no. 2097 was converted from "Doba" to "Bastu" pursuant to the order passed by the ADM (LR) & District Land and Land Reforms Officer dated 16th February, 2024. Copies of the relevant orders have also been disclosed. It is submitted, based on the aforesaid conversion, the municipality has already issued a building permit dated 7th March, 2025 and the

construction that has been carried out by the private respondents is on the strength of such sanctioned building plan. Incidentally, the aforesaid facts have been conveniently suppressed by the petitioner.

5. The private respondents are represented. The learned advocate representing the private respondents has placed before this Court a sanctioned building plan issued by the municipality.

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.

7. Despite the aforesaid, Mr. Bhattacharya, by relying on the order dated 3rd March, 2015 passed in WP No. 32208 (W) of 2014 would submit that the construction carried out by the private respondents is illegal. In the facts noted hereinabove and considering the entire factual scenario and the materials on record, I am of the view, at this stage there is no scope for this Court to enter into such dispute after more than a decade from

passing of such order. This apart, especially when the plot in question had been converted and the municipality has issued a sanctioned building plan based on such conversion order, there is no scope for this Court to treat the sanction to be bad or to continue to hold that the plot in question is a “Doba” when there is no challenge to the order passed by the ADM(LR) & District Land & Land Reforms Officer, Howrah.

8. With the above observations and directions the writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)