Form No. J(2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Md. Shabbar Rashidi

WPLRT 213 of 2026

Dibakar Chakrabarty @ Dibakar Chakraborty
Vs.
The State of West Bengal and others

For the petitioner	:	Mr. Arindam Chattopadhyay, Ms. Lipika Chatterjee, Mr. Soumik Dey, Ms. Rika Das
For the State	:	Mr. Nilanjan Bhattacharjee, Snr. Adv., Mr. Nilanjan Pal, Mr. Saikat Dey
For the respondent no.6	:	Mr. Dipankar Mandal, Mr. Abdul Aziz Mondal
For the respondent nos. 9 and 10	:	Ms. Deblina Lahiri, Mr. Mrinmoy Chatterjee
Heard on	:	16.11.2026
Judgment on	:	16.11.2026

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed today be kept on record.

2. The present challenge has been preferred against an order whereby the Tribunal upheld a notice issued by the appropriate authority under Section 4C(5) of the West Bengal Land Reforms Act, 1955 on

the allegation that the petitioner has constructed a medicine shop and doctor's chamber by unlawfully converting a pond (pukur) and its embankment (pukur par).

3. Learned counsel for the petitioner contends that from the field verification report authored by a technical team constituted by the learned Tribunal, it would be evident that the current area of both the pond and the embankment are much enlarged, having increased beyond the measurements given in the LR records.

4. Thus, it is submitted, in the event it is found that the construction, which was made in the year 2012, was made at a point of time when the area of the pond and the embankment was less than their present proportions, there would not be any case of conversion made out.

5. Accordingly, it is submitted that the learned Tribunal ought to have specifically directed the extent of the pond to be measured and the records of rights to have been corrected.

6. Learned Senior Standing Counsel appearing for the State submits that even from the mouza map, which is annexed to the present writ petition and was a part of the report of the technical team, it would be evident that the construction has been erected by encroaching upon the original location of the pond. Even from the photograph annexed to the report, the self-same fact would be corroborated. Thus, it is argued that under no circumstances can it be said that the notice under Section 4C was bad in law.

7. Upon considering the submissions of the parties, we find that even from the mouza map, on which the alleged encroachment has been superimposed as depicted in the report, it would be evident that the construction-in-question has been made by encroaching upon a portion of the pond/embankment.

8. The question as to whether the records of rights are required to be modified to reflect the current position is separate from the issue at hand. Although the State would do well to consider whether to revise the records of rights by reflecting the current proportions of the pond and the embankment, such non-revision does not justify the construction being made by covering a portion of the pond and/or its embankment, thereby converting the character of the pond/embankment.

9. Thus, we find that there is no patent error in the order of the Tribunal to justify interference with the same, since the Tribunal, upon constituting a technical team and adverting to the report issued by it, duly came to a plausible conclusion.

10. Hence, WPLRT 213 of 2026 is dismissed on contest without any order as to costs.

11. It is made clear that nothing in the above judgment and/or the judgment of the Tribunal shall preclude the petitioner from taking recourse to appropriate provisions of law for the purpose of seeking permission to convert, if the petitioner is otherwise so entitled in law.

12. Urgent photostat certified copies of this judgment, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Md. Shabbar Rashidi, J.)

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