

03.09.2026
Item No. 15
Ct. No.19
PG

WPA 4604 of 2026
With
I.A. No. CAN 2 of 2026
Sanei Bikes Private Limited & Anr.
Vs
The State of West Bengal & Ors.

Mr. Oishik Chatterjee
Ms. Ivi Banerjee
Mr. Manish Shukla.....for the petitioners

Mr. Anindya Basak
Ms. Jayita Dhar Chakraborty
Mr. Avijit Mukherjee.....for the State

Mr. Avinash Kankani
Mr. Anish Kr. Mukherjee
.....for the Bidhannagar
Municipal Corporation

1. The writ petitioners, the respondent/State and the Bidhannagar Municipal Corporation are represented by their respective learned counsel.
2. The subject-matter of challenge in the instant writ petition is the order dated 21.01.2026, as passed by the appellate authority under section 18 of the West Bengal Inland Fisheries Act, 1984 (the 'said Act of 1984' in short), whereby and whereunder the said appellate authority while dismissing the said appeal, has affirmed the order dated 23.03.2024, as passed by the Commissioner, Bidhannagar Municipal Corporation under the said Act of 1984.

3. On perusal of the earlier orders, as passed in connection with the instant writ petition, it reveals that a coordinate Bench of this Court granted a limited stay in respect of the impugned order. It reveals further that on behalf of the Bidhannagar Municipal Corporation, a report dated 09.03.2020 has been filed, wherefrom it reveals that Executive Engineer, Bidhannagar Municipal Corporation has observed the following:

“I. The structure has been constructed by filling up a water-body.

II. Its three (3) storied mild steel structure, being used for commercial purpose needs approval from competent authority for erection (Photocopies are attached herewith).”

4. This Court has heard the learned advocates for the parties at length
5. Learned advocate appearing on behalf of the writ petitioners submits before this Court that the interim order, as passed earlier, may be extended further and further opportunity of hearing may be given to the writ petitioners to present their case.
6. This Court finds no reason to entertain the prayer of the writ petitioners either by extending the interim order, as passed by a coordinate Bench of this Court or by giving

any further time to the writ petitioners for the reasons stated hereunder:

7. On perusal of the order dated 23.03.2024, as passed by the Commissioner, Bidhannagar Municipal Corporation in a proceeding under section 17A of the said Act of 1984, it appears that the said Commissioner of the Bidhannagar Municipal Corporation, on the basis of the materials, as placed before it, has come to a factual finding that the property in question is recorded as 'bil/pukur', which is a water body, for which no permission for conversion has been obtained prior to raising construction by the writ petitioners, though in their two registered deed of conveyance, the writ petitioners have described the property in question as 'bil land' presently bhorat (danga).
8. This Court has meticulously perused the order passed in appeal under section 18 of the said Act of 1984 by the appellate authority. It appears that the said appellate authority also reached to a logical conclusion based on the materials placed before it that the plot in question measuring 7 cottah, 2 cottah 10 chhittack 40 square feet comprising R.S. and L.R. Dag No. 463 in Mouza- Mahisbathan were, at no material point of time recorded as

danga/solid land and on the contrary, the same have been recorded as bil/pukur, which is a water body.

9. It further appears from the impugned order that the writ petitioners before the said appellate authority, have miserably failed to produce any cogent material to substantiate that prior to raising the construction over the said two plots of land, the writ petitioners have obtained approval from the competent authority for conversion of the lands.
10. This Court considers that sitting in writ jurisdiction, in absence of any material irregularity and/or perversity this Court, cannot alter the concurrent factual findings of the Commissioner under section 17A of the said Act of 1984 vis-a-vis the order of the appellate authority under section 18 of the said Act of 1984.
11. This Court thus, considers that the instant writ petition is devoid of any merit and is hereby dismissed.
12. With the dismissal of the instant writ petition, the interim order, as passed earlier, stands hereby vacated.
13. Pending interlocutory application, if there by any, stands hereby dismissed.

14. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(PARTHA SARATHI SEN, J.)