

MAT 397 of 2020
with
IA No: CAN 1 of 2020
(Old No. CAN 2612 of 2020)

South Sankrail Indradhanu Athletic Club
vs.

M/s. Bengal Investments Limited & Ors.

(Via Video Conference)

Mr. Soumya Ray

...for the appellant

Mr. Saptangsu Basu

Mr. Niladri Khanra

Ms. Sutapa Sanyal

.....for the Respondent No.1

Mr. Pantu Deb Roy

Mr. Anand Farmania

....for the State

This appeal is directed against an order dated 11th February, 2020 whereby the Learned Single Judge has granted police assistance to the respondent No. 1 herein to complete construction of a boundary wall.

We have heard the parties.

The primary grievance of the appellant is directing construction of a boundary wall. In passing the impugned order the Learned Single Judge has relied on an order passed in an earlier writ petition being W.P. No. 25016(W) of 2017. In the impugned order the Learned

Single Judge has also relied on a sanctioned plan to indicate that the appellant herein is in wrongful and illegal possession of the subject premises.

The appellant relies on record of rights to show that he has been in a possession of subject premises for a long period of time. However, the appellant has no reply to the earlier direction passed in W.P. No. 25016(W) of 2017 nor has there been any challenge to the sanctioned plan relied on by the writ petitioner before the Trial Court.

We find no illegality, nor perversity, nor arbitrariness in the impugned order which warrants any interference whatsoever. On the contrary, the learned Single Judge has considered all the relevant facts and materials and also taken into account the fact that necessary permission has been taken from the local Panchayat authorities.

In the circumstances, we find no reason to interfere with the impugned order and the appeal stands dismissed.

It is submitted on behalf of the appellant that by impugned order there is a threat of eviction of the appellant. However, Mr. Basu, learned Senior Advocate appearing on behalf of the respondent No. 1 assures this Court that there will be no eviction of the appellant by virtue of the impugned order.

In view of the aforesaid, nothing survives in the appeal. **MAT 397 of 2020** along with **IA No. CAN 1 of 2020 (Old No. CAN 2612 of 2020)** stand **dismissed**.

However, there will be no order as to costs.

The parties are directed to act on a server copy of this order downloaded from the official website of this Court.

(Ravi Krishan Kapur, J.) (Subrata Talukdar, J.)