

30.06.2021.
Item no. 33.
Court No.13
ap

**W.P.A. No. 10707 of 2021
(Through Video Conference)**

**Ayub Ali
Versus
The State of West Bengal & Ors.**

Mr. Younus Mondal.

...For the petitioner.

Mr. Jishnu Chowdhury, Id. A.G.P.
Mr. Robiul Islam,
Ms. Pramita Banerjee.

...For the State.

Counsel for the petitioner submits that his client has obtained sanction plan for effecting construction over the property at Mouza – Deganga, Police Station – Deganga, District – North 24 Parganas. He further submits that the private respondents are obstructing the petitioner and have demanded sums of money to allow the petitioner to make construction. He also submits that the petitioner has complained to the Officer-in-charge, Deganga Police Station in this regard.

Inspector-in-charge, Deganga Police Station has submitted instructions to the Government Pleader, High Court, Calcutta, which is taken on record.

It appears from the aforesaid instructions that a G.D. was registered on 29th April, 2021 vide Deganga P.S. G.D.E. No. 1527/21 dated 29.04.2021 against the respondent nos.7 and 8.

It is submitted that the dispute is civil in nature.

This Court is unable to countenance the said observations of the Officer-in-charge, Deganga Police Station. If the petitioner has obtained a valid sanction plan from the concerned Municipality, it is not for the police to sit in appeal over the same and hold that there is a civil dispute with regard to the property.

If, in fact, the private respondents are claiming any right in respect of the subject property of the petitioner, it is they who should approach a Civil Court in accordance with law.

Given the fact that the petitioner obtained a sanction plan as stated hereinabove, he is entitled to effect construct over his property.

Hence, the Officer-in-charge, Deganga Police Station shall render all necessary assistance to the writ petitioner in effecting construction over his property. If request is made on behalf of the petitioner in this regard, the Officer-in-charge, Deganga Police Station shall furnish necessary police protection and post necessary police force at the said premises, at the costs of the writ petitioner.

The Officer-in-charge, Deganga Police Station shall also ensure that there is no breach of peace in the said area.

With the aforesaid directions, the instant writ application shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(*Rajasekhar Mantha, J.*)