

19-08-2021
ct no. 13
Sl.7
sp

WPA 11331 of 2021

Md. Nasim

-Versus-

The Police Commissioner, Lal Bazar & Ors.
(Via Video Conference)

Mr. Ataur Rahman,
Mr. Javed Majid,
Ms. Sagufa Naaz

...for the petitioner

Mr. Jishnu Chowdhury,
Ms. Amrita Panja Moulick

....for the State

Mr. Syed Nurul Arefin,
Mr. Rahul Singh

....for the respondent no.4

The personal presence of the Officer-in-Charge, Entally Police Station was dispensed with yesterday on the prayer made by Mr. Jishnu Chowdhury, learned counsel for the State.

A Report dated August 19, 2021 has been filed by the Officer-in-Charge, Entally Police Station. It appears therefrom that after receiving a complaint of unauthorized construction, notice under Section 401 of the Kolkata Municipal Corporation Act, the Entally Police Station immediately visited the premises and ordered that construction shall not take place.

Upon receipt of further complaint from the petitioner, further inspection was made and it was found that the private respondent was indeed continuing unauthorized construction. The same

was stopped by the Entally Police Station. A joint inspection was also conducted with the KMC thereafter.

The police are awaiting an appropriate response from the KMC to register a comprehensive FIR as regards the unauthorized construction.

The petitioner, however, submits that he is being prevented from entering into his own property by the private respondents. The Officer-in-Charge, Entally Police Station is directed to forthwith register FIR in so far as the petitioner's complaint with regard to obstruction by the private respondents from entering into his premises.

The Officer-in-Charge, Entally Police Station shall also ensure that the petitioner has free ingress and egress into the premises. A police picket shall be posted outside the petitioner's premises to enforce the aforesaid order for a period of 3 days.

In the event of any information or complaint as regards the further obstruction by the private respondents, the Officer-in-Charge, Entally Police Station shall take appropriate steps in the light of the aforesaid order.

The Kolkata Municipal Corporation shall also be notified of the aforesaid order and a copy of the writ petition shall be sent to the Chairman,

KMC. KMC shall also take suitable steps in accordance with law with regard to the acts and omissions of the private respondents at the said premises inter alia in making unauthorized construction.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

The report of the Officer-in-Charge, Entally Police Station mentioned above, is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)