

11.03.2022
Court No.13
Item No.31
AP

WPA 1408 of 2022

Sri Uttam Kumar Jana and Ors.
Vs.
The State of West Bengal and Ors.
(Through Video Conference)

Mr. Balai Lal Sahoo
Mr. Sankha Prasad Roy

... For the Petitioners.

Mr. Pantu Deb Roy, A.G.P.,
Mr. Pannalal Bandopadhyay

... For the State.

Mr. Nilanjan Adhikari

... For the Respondent No.9.

The writ petitioners are aggrieved that the Contai Municipality is obstructing the construction of a boundary wall within his premises notwithstanding order of a Bench of this Court dated 12th June 2014 passed in WP 11787 (W) of 2014 (Uttam Kumar Jana Vs. The State of West Bengal & Ors.).

Counsel for the Municipality submits that his client has no objection to the petitioners constructing his boundary wall in accordance with the rules.

Counsel for the State has produced a report in the form of instructions dated 9th March 2022 issued by the Officer-in-Charge, Contai Police Station, Purba Medinipur addressed to the learned Government Pleader and the same is taken on record.

It appears from the report that at a joint discussion with the petitioners, it was agreed that the

petitioners would start the construction on 10th March, 2022 i.e. today.

In that view of the matter and considering that the petitioners still apprehend obstruction, the Contail Police shall post a constable at the house which is the petitioners' residence, to ensure that they are able to construct the boundary wall, provided the same is not exceeding two meters in terms of the West Bengal Municipal Act. The cost of deployment of police constable shall be borne by the petitioners.

The Officer-in-Charge, Contai Police Station, Purba Medinipur shall ensure that the petitioner is able to construct his wall without any obstruction and hindrance.

With the aforesaid observations, writ petition shall stand disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)