

14.07.2022
Court No. 19
Item no.394
CP

W.P.A. No. 5239 of 2022

Aktiar Rahaman
Vs.
The State of West Bengal & ors.

Md. Sarwar Jahan
Mr. Anisur Rahaman
Mr. Maidul Islam Kayal
...for the petitioner.

Ms. Chama Mookherji
Mr. Gourav Das

...for the State.

Mr. Joy Chakraborty
Mr. Sandip Dinda

....for the respondent nos. 7 & 8.

The petitioner submits that despite a sanction having been granted by the Budge Budge – I Panchayat Samity for construction of a house at RS Dag No. 562 corresponding to LR Dag No. 608 pertaining to Khatian No. 1849 of Mouza – Santoshpur, the respondent nos. 7 and 8 were physically obstructing such construction and they had also indulged in various other criminal activities.

The prayer is that the police authority must be directed to initiate proceedings against the respondent nos. 7 and 8. Further prayer has been made for police protection, during the execution of the construction work.

Mr. Chakraborty, learned advocate appearing on behalf of the respondent nos. 7 and 8, submits that a civil suit is pending with regard to RS Plot No. 562, which corresponds to LR Plot No. 608. T

The petitioner was trying to construct on the said land, despite there being an order of ad interim injunction passed by a competent civil court, in Title Suit No. 1124 of 2021.

Mr. Jahan, learned advocate appearing on behalf of the petitioner, submits that the suit was filed after the petitioner had obtained the sanction from the competent authority, to raise the construction.

The police report is taken on record. It appears that there have been several instances of violence. Cases and counter cases had been registered by the police authorities against the parties, namely, Budge Budge PS Case No. 143/21, Budge Budge PS Case No. 145/21, Budge Budge PS Case No. 182/21 and Budge Budge PS Case No. 248/21. The report indicates that investigation in Budge Budge PS Case No. 248/21 is pending. All the other investigations were concluded and charge-sheets have been filed.

Under such circumstances, the allegation of police inaction is not substantiated. The prayer for grant of police help to raise the construction, cannot be

allowed in view of the order passed in the pending suit.

The remedy of the petitioner is before the learned civil court. However, the pending investigation, shall be concluded and the police authorities shall keep a vigil in order to ensure that further untoward incident does not take place.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)