

06.07.2022
Court No. 19
Item no.306
CP

W.P.A. No. 7372 of 2021

Sri Ashok Samanta
Vs.
The State of West Bengal & ors.

Mr. Abhijit Basu

...for the petitioner.

Mr. Ranjit Rajak

...for the State.

When the issue of demolition of an alleged unauthorized construction is pending before the Sub-Divisional Officer, Egra, and the decision for demolition is yet to be passed, the writ petitioner does not have any locus to file this application praying for police help either to carry out the alleged demolition or to stop further construction.

If the authority empowered by law, passes any order and requires police assistance, the concerned police authority shall do the needful. It is not for the petitioner to dictate terms to the police authorities to take steps when the matter is still pending final adjudication.

The petitioner's prayer for stopping further construction cannot be allowed either by this court or by the police authorities.

The petitioner is at liberty to approach the appropriate authority for necessary orders in this regard.

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.)