

18.7.2022
Court No. 19
Item no.438
sn

WPA No.8060 of 2022

Nirmal Singha & Anr.
Vs.
The State of West Bengal & ors.

Mr. Sarwar Jahan
Mr. Maidul Islam Kayal
Mr. Sumit Naskarfor the petitioners

Mr. Kushal Chatterjee
Mr. Abir Lal Chakraborty ..for the respdt.9

Mr. Soumyajit Bhatta .for the respdts.4&5

Mr. Pantu Deb Roy
Mr. Pannalal Bandopadhyay ..for the State

The police authorities of Khardah Police Station, are directed to render all assistance to the Panihati municipality, in order to ensure that the alleged unauthorized construction does not continue. An order had already been passed by this Court in a writ petition that was filed challenging the unauthorized construction.

This Court had found that the municipality was of the opinion that the construction was unauthorized. This court directed that, till the disposal of the proceedings by the municipality, no construction should be permitted.

It appears that on the basis of the complaint filed by the petitioners, Khardah Police Station Case No. 395/22 dated May 19, 2022 under Sections

186/188/189/506 of the Indian Penal Code was started against the respondent no.9. Statements under Section 161 of the Code of Criminal Procedure were recorded. The accused person was issued a notice under Section 41A of the Code of Criminal Procedure. The accused person surrendered before the learned Additional Chief Judicial Magistrate, Barrackpore and he was released on bail.

The investigation is going on and the petitioners were also asked to produce documents in furtherance of such investigation.

The investigation must be reached to its logical conclusion, in accordance with law.

However, as the municipality had sought assistance from the police authorities in order to stop further constructions, the police authorities must take steps in order to ensure that the earlier order of this Court and the request of the municipality are complied with.

In any event, the legality of the construction is not being gone into at this stage. The municipality is already in seisin of the matter. The contention of the respondent no.9 that the construction was raised by invoking the provision of deemed sanction under the law, shall be looked into by the municipality. It is

specifically submitted by Mr. Chatterjee that the construction had stopped.

This writ petition is disposed of.

There will be, however, no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)