

06.09.2022
rc/ct.no.25
Item No.15

WPA No. 6815 of 2020
with
CAN No. 1 of 2020 (Old No. CAN No. 5796 of 2020)
Akbar Sk. & Anr.
Versus
State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. B. Shaw

...for the Petitioner

The grievance of the petitioners is that the petitioners are unable to complete the plastering work due to resistance of the private respondents.

The petitioners have prayed for writ of mandamus to command the respondent police authorities to render necessary help and assistance to the petitioners to complete the plastering work of their newly constructed dwelling house at plot no. 1565, J.L.No. 94, Mouza – Palitaprar, under Beldanga-II Block, Murshidabad.

None appears for the respondents at the time of hearing. No accommodation has been prayed for.

Mr. Jahan, learned advocate appearing for the petitioners placed reliance upon an order passed by a coordinate Bench of this Court on 25.06.2019 in W.P.No. 9006(W) of 2019 whereby the petitioners were permitted to apply before the police authorities for police protection. He submits that the construction work has been completed and only the plastering work is left to be done. He submits that due to the resistance by the private respondents the

petitioners are unable to complete the plastering work without police protection.

After hearing the learned advocate for the petitioner and upon perusing the materials on record this Court finds that a coordinate Bench of this Court by an order dated 25.06.2019 gave liberty to the petitioners to apply for police protection at the time of construction of the building and if such request is made, the police will consider such request and upon payment of the costs assessed will deploy the police force at the locale.

Since it has been submitted by the learned advocate for the petitioners that the petitioners are ready and willing to pay the police cost, and also taking into consideration the fact that the petitioners were allowed police protection at the time of making construction upon deposit of the police cost assessed by such authorities, this Court is of the considered view that the petitioner may be permitted to apply for police assistance to complete the plastering work.

In such circumstances, WPA No. 6815 of 2020 is disposed of by giving liberty to the petitioners to apply for police protection in prescribed manner and upon such request being made, the police authorities shall consider the same and assess the cost for rendering such help/assistance and only upon payment of such costs, the police force will be deployed at the locale for such purpose.

With the above observations and directions this writ petition being WPA No. 6815 of 2020 and connected applications being CAN No. 1 of 2020 are disposed of.

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

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya,J)