

25.7.2022
Court No. 19
Item no.487
sn

WPA No. 9707 of 2022

Reyaz Ahmed @ Wasim

Vs.

The State of West Bengal & ors.

Mr. Koushik Sarkarfor the petitioner

Ms. Shrabani Sarkar

Mr. Arun Kumar Saha ..for the State

The petitioner prays for assistance of the Officer-in-Charge, Amherst Street Police Station, in order to raise construction over a thika property. The petitioner relies upon a building permit granted by the Kolkata Municipal Corporation for raising such construction in the premises in question. It is submitted that the property is in a dilapidated condition and a portion, thereof, was destroyed during 'Amphan'.

The learned advocate for the petitioner submits that the respondent nos. 9 & 10 have been continuously disturbing the petitioner in raising such construction. Hence, police protection and assistance is prayed for.

The learned advocate for the State respondents submits, on instructions, that the respondent nos. 9&10 are the Bharatias in respect of the property which was sought to be re-built by the petitioner. It is further submitted that a civil suit had been filed by

the said respondents and the said respondents have been granted an order of status quo.

Thus, according to the police authorities, it was neither within the power of the police nor permissible under the law to evict the respondent nos. 9&10 and create an opportunity for the petitioner to raise construction.

Under such circumstances, this writ petition is disposed of with liberty to the petitioner to move the appropriate Civil Court or any other forum, for necessary orders.

The Writ Court cannot allow the prayers of the petitioner for police protection so that the petitioner can raise his construction in accordance with the sanction plan.

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.)