

ML 62
5.7.2022
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WPA 10800 of 2022

Nemai Chandra Nag

-vs-

The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. A. Patra
Mr. H. Pal for the Petitioner

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata ...for the State
respondents

The remedy of the petitioner is before the local body, with regard to the allegation of unauthorized construction.

The petitioner has alleged that an unauthorized construction is being raised by the respondent nos. 4 to 7.

It is not for the police authorities to decide whether the constructions are authorized or unauthorized. The petitioner has not been able to show whether any order of demolition had been passed or whether directions were issued upon the police to assist in the process of demolition. Mere allegation that the construction is unauthorized and police authorities must be directed to stop such construction, is not enough.

The police authorities have filed a report. It appears that pursuant to the complaint lodged by the petitioner, prosecution under Section 107 of the Code of Criminal Procedure had been submitted before the learned Sub-Divisional Executive Magistrate, on two occasions. The police authority had filed prosecution under Sections 107 and 116(3) of the Code of Criminal Procedure, against the respondent nos. 4 to 7.

The police authorities will keep a strict vigil and ensure that law and order is maintained. No untoward incident must take place. Other issues raised by the petitioner, shall be decided by the appropriate authority.

Accordingly, WPA 10800 of 2022 is disposed of.

All parties are to act on the server copy of this order from the official website of this court.

(Shampa Sarkar J.)