

26.09.2022
Court No.13
Item No.61
AP

WPA 12582 of 2022

**Golam Mostafa and Anr.
Vs.
State of West Bengal and Ors.**

Mr. Sabir Ahmed
Mr. Md. Abdur Rakib

... For the Petitioners.

Mr. Raja Saha
Ms. Tanusri Chanda

... For the State.

Mr. Sakya Sen
Mr. Sunil Kumar Gupta
Mr. Habibul Islam

... For the Murshidabad Zilla Parishad.

The Superintendent of Police, Murshidabad Police District has filed a report dated 19th September 2022 and the same is taken on record.

The Executive Officer, Murshidabad Zilla Parishad has also filed a report dated 19th September 2022 and the same is taken on record.

It appears from the report of the Murshidabad Zilla Parishad that a valid sanction plan was obtained by the petitioner to effect construction in the property. The construction is to be effected on or before 30th April 2024.

The Superintendent of Police, Murshidabad Police District has inquired into the allegations of the petitioner that officials of the Lalgola Police Station have sought illegal gratification from the petitioner to permit construction.

In course of inquires, the petitioner, over the telephone informed the Superintendent of Police that no such police officials were involved and that a private individual, husband of the local Pradhan, is stated to have demanded money.

However, it is clear that a pit was dug up by the petitioner pursuant to the construction, which led accumulation of water and water borne disease-spreading insects. The pit has since been filled up.

Having carefully considered the rival contentions of the parties, the allegations against the Lalgola Police does not appear to have been sustained. Since the Zilla Parishad has issued a sanction plan, the petitioner shall effect construction strictly in terms thereof.

Learned counsel for the State submits that Lalgola Police have nothing to do with the petitioner's construction and have not restrained or interfered with the same.

The petitioner undertakes to effect construction strictly in terms of the sanction plan and ensure that there is no public nuisance in any form whatsoever.

The Zilla Parishad shall continue to monitor the construction being made by the petitioner and it shall be ensured that the construction activity does not in any way interfere with any public conveniences.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)