

18.08.2022
Sl. No.154(ML)
srm

W.P.A. No. 14820 of 2022

Goutam Dutta

Versus

The State of West Bengal & Ors.

Mr. Allen Felix

...for the Petitioner.

Mr. Sandeep Prasad Shaw,

Mr. Anupam Some

...for the Respondent Nos.7 & 8.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the State-respondents.

The petitioner alleges that the respondent Nos.7 and 8 had been physically restraining the petitioner from constructing a boundary wall on the basis of the permission given by the Baikanthapur II Gram Panchayat. It appears that the said respondents also endorsed their 'no objection' to such permission. It is alleged that the respondent No.8 was asked to meet the panchayat authorities with relevant papers on the basis of the complaint of such obstruction, that was filed by the petitioner.

Learned Advocate for the respondent Nos.7 and 8 submits that the allegation of obstruction was baseless. He submits that if the petitioner restricts the construction

of the boundary wall as per the permission of the panchayat authorities and within the petitioner's own land, they did not have any objection.

Under such circumstances, nothing further remains to be decided in the writ petition. The police authorities shall simply keep a vigil in order to maintain peace. The questions of encroachment, title, etc. are not gone into. If the respondent Nos.7 and 8 find that during the construction there are chances of encroachment, etc. their remedy would be to approach the appropriate forum.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)