

19.09.2022.
Court No.13
Item No. 34
ap

W.P.A. No. 17818 of 2022

**Sekh Jalaluddin
Versus
The State of West Bengal & Ors.**

Ms. Pampa Dey (Dhabal).

...For the petitioner.

Md. Ghalib,

Mr. Anubrata Santra.

...For the State.

Affidavit-of-service filed in Court today be taken on record.

The petitioner is aggrieved that Indus Police Station has not implemented the order of the learned Executive Magistrate, Bishnupur (Bankura).

The learned Executive Magistrate, Bishnupur (Bankura) is stated to have, by an order dated 5th July, 2022, directed removal of a wall between the petitioner's residence and that of the private respondent no.8. The said order is stated to be based on a report of the Block Land & Land Reforms Officer, Indus dated 23rd August, 2021.

Mr. Ghalib, learned Advocate appearing on behalf of the State, places a portion of the order dated 12th April, 2022 passed by a Co-ordinate Bench of this Court in W.P.A. No. 16557 of 2021.

It appears from the said order that Block Development Officer, Indus Development Block has

filed a report stating that the construction on plot No.303 was in terms of a building plan and in accordance with the Building Rules. It further appears that a three feet vacant space has been kept by the respondent no.8 in course of such construction. It also appears that a strip of land along with plot No.301 (of the petitioner), which was neither Panchayat road and Panchayat land.

In the above circumstances, this Court is of the view that the writ petitioner is guilty of gross abuse of process of law and misleading this Court.

The circumstances under which the learned Executive Magistrate passed the order in question, is not explained.

The learned Executive Magistrate, Bishnupur (Bankura) has not seen the order of the Block Development Officer, Indus Development Block referred to by a Co-ordinate Bench of this Court.

In those circumstances, the instant writ petition is hereby dismissed with costs assessed at Rs.7,500/- (Rupees seven thousand five hundred only) payable by the petitioner to the Indus Police Station within a period of one month from date.

In the event of default of the above-mentioned payment, the Inspector-in-charge, Indus Police Station shall be entitled to recover the said sum of money

under the provisions of the Bengal Public Demand Recovery Act, 1913.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)