

S/L 8
27.09.2022
Court. No. 19
Sn

W.P.A. 21820 of 2022

Bengal Investments Limited
VS
The State of West Bengal & Ors.

Mr. Saptangshu Basu., Sr. Adv.
Mr. Jit Ray
Mr. Niladri Kharna ... for the Petitioner

Mr. Malay Krishna De
Mr. Biswajit Dutta ..for the State

None appears on behalf of the panchayat authorities and the club. Affidavit of service is taken on record. The writ petition has not been filed, alleging inaction on the part of the panchayat authorities. This writ petition is based on an apprehension that the unfinished boundary wall cannot be erected, without specific order of this court extending the period fixed by the co-ordinate Bench for completion of such a construction. It is feared that the panchayat authorities at the instigation of third parties, may stop such construction.

It appears that there is an order of a co-ordinate Bench, permitting the said construction with police help. The Dakshin Sankrail Gram Panchayat had also permitted construction of the boundary wall by an order dated November 22, 2017. The permission is Annexure P/6 at page 103 of the writ petition.

According to Mr. Basu, learned senior advocate appearing on behalf of the petitioner, the Court must

extend the time to complete the boundary wall as sufficient time was consumed in the appeal which was preferred by the club against the order of the co-ordinate Bench of this Court. During pendency of the appeal, the construction had been stopped. The appeal has since been dismissed. The period fixed by the co-ordinate Bench expired in the meantime.

The learned Advocate for the state government also reiterates the facts as stated by the petitioner.

It appears that the petitioner already has a permission from the Dakshin Sankrail Gram Panchayat, for construction of the boundary wall. The petitioner was also permitted by a co-ordinate Bench of this Court, to raise the boundary wall with the assistance of the police. The club was restrained from causing any interference. The appeal preferred by the club was dismissed. The only problem which has cropped up is that the petitioner could not finish the construction within one month as directed by His Lordship. However, such delay cannot take away the right of the petitioner to construct the boundary wall, if the permission that was granted still survives.

The apprehension that the local club and other miscreants may cause harassment to the petitioner, cannot be a ground for filing the writ petition.

This Court on an earlier occasion had clearly held that the construction of the boundary wall was

permissible under the law and had also granted police protection to the petitioner.

Under such circumstances, the petitioner is always at liberty to pray for further police protection for construction of the boundary wall strictly as per the permission of the panchayat authorities. Needless to mention, the petitioner will pay the police cost.

This writ petition is disposed of.

However, there will be 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.)