

WPA 23204 of 2022

**Vastu Realtors
Vs.
The State of West Bengal & Ors.**

Mr. Sanjib Bandyopadhyay,
Mr. Ashok Kumar Singh.
.....for the petitioner

Mr. Bapin Baidya.
... for the respondent nos. 7 & 8

Mr. Tala Mohammad Siddique, Ld. AGP.,
Mr. Ram Chandra Guchhait.
... for the State respondent

This is an application praying for direction upon the respondent authorities to stop the unlawful obstructions by the private respondents in the construction work of the petitioner.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the respondent nos. 9 to 18, although other respondents are represented.

Report filed on behalf of the State is also taken on record.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner entered into an agreement for promotion of a property in a gram panchayat area in Narendrapur. The private respondents are the local inhabitants who are creating

disturbances in the construction work in order to extort money. The petitioner had to approach the several authorities in this regard. Civil suits have been filed by some of the private respondents. However, they have failed to obtain any injunction in the said suit. The petitioner has made a representation before the police authorities to render help and protection so that necessary construction work can be undertaken.

Learned Counsel appearing on behalf of the State relies on the report filed by the State and submits as follows. On being informed about the disturbance in the area, prompt and adequate steps have been taken. Some of the private respondents were made to furnish bonds under Section 107 of the Code. However, some civil suits are pending between the private parties and the matter is otherwise civil in nature.

Learned Counsel appearing on behalf of the respondent nos. 7 and 8 submits that the petitioner is not the owner of the land and has no right to undertake such construction work. Civil suits are pending in this regard.

I have heard the submissions of the learned Counsels appear on behalf of the parties and perused the writ petition and the report filed on behalf of the State.

It does not appear that any injunction has been granted by any Civil Court in respect of the suits which

are pending between the private parties. In absence of such, the petitioner could fairly claim that no hindrance should be put on the construction work they are undertaking at the suit premises.

However, the police cannot be made to continuously stand guard for the petitioners to complete the commercial construction works at such premises. After being intimated about the certain disturbances, the Police Authorities have already taken steps which is evident from the report filed.

Therefore, this Court does not find any need to pass a direction upon the police authorities to act in respect of any particular grievance already ventilated by the present petitioner.

However, in the event any untoward incident or a breach of peace happens at the suit premises, the Police Authorities shall be at liberty to take appropriate steps.

With these observations, the writ petition is disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

Parties shall act on a server copy of the order obtained from the official website of High Court at Calcutta.

(Jay Sengupta, J.)