

05.06.2023
Court No.13
Item No.8
AP

WPA 2923 of 2023

**Sk. Habib Al Rashid
Vs.
The State of West Bengal and Ors.**

Mr. Subhra Prakash Lahiri
Mr. Abdus Salam

... For the petitioner.

Mr. Asish Kumar Guha
Mr. Naren Ghosh Dastidar

... For the State.

Ms. Shefa Mondal

... For the Respondent Nos.7 to 13.

1. The petitioner claims that the private respondents are obstructing him from effecting construction on a property.

2. The private respondents are represented and claim that they are co-sharers of the said property.

3. While the petitioner claims that he has a valid sanction for construction on the land from the Gram Panchayat and his name available in the records of the BL&LRO, the fact, however, remains that the extent of entitlement of the said land between the petitioner and the private respondents has not been determined till now. It is only after a proper demarcation of the land in accordance with law that the petitioner should be able to effect construction.

4. The Tamluk Police Station has drawn up proceedings under section 107 of the CrPC. The Police

Station shall, however, ensure that there is absolutely no breach of peace in the area.

5. It is made absolutely clear that only after a lawful demarcation of the property of the petitioner vis a vis the private respondents, that any construction is effected thereat.

6. With the aforesaid directions, the writ petition shall stand disposed of.

7. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)