

28.02.2023
Court No.13
Item No.4
AP

WPA 3180 of 2023

**Smt. Maitri Bose Biswas
Vs.
The State of West Bengal and Ors.**

Mr. Sounak Bhattacharya
Mr. P. Dey
Mr. Sounak Mandal
Mr. Anirban Saha Ray

... For the petitioner.

Despite service of notice, private respondents are not represented. Affidavit of service filed in Court today is taken on record.

The petitioner complains that the private respondents, who are local inhabitants, have been demanding sums of money to permit construction activity on the petitioner's land. The petitioner purchased the land in question lawfully and has obtained conversion thereof from 'Sali' to 'Bastu'. A sanction plan has been obtained from Akna Gram Panchayat, Polba, Hooghly for construction of a school thereat. The claims of the private respondents are utterly criminal according to the petitioner, as the petitioner's activities are lawful and on his own land.

The Officer-in-Charge, Polba Police Station has filed a report dated 19th February, 2023 and the same is taken on record.

It appears from the report that the petitioner's complaint was enquired into and FIR being Polba Police Station Case No.197 of 2022 dated 3rd November, 2022 was registered on the petitioner's complaint pursuant to

the direction of the Magistrate under Section 156(3) of the CrPC against the private respondents.

The petitioner also submits that pursuant to the direction of the Executive Magistrate under Section 144 of the CrPC enquires have been made by the Polba Police and report has been submitted before the Executive Magistrate confirming the petitioner's allegations against the private respondents.

Polba Police indicates that the private respondents only want that the petitioner's construction should not obstruct free flow of water in and around the premises. All the surrounding lands are all agricultural and arable.

In the above circumstances, this Court is of the view that the petitioner shall be entitled to security. Polba Police shall depute three constables for a period of one month from date at the site of the writ petitioner at her own costs. The deployment of constables shall be made subject to the payment of costs. Polba Police shall continue to maintain regular vigil on the said premises and ensure that there is no breach of peace.

The petitioner shall, however, ensure that the construction on his land does not obstruct the free flow of water in the surrounding fields.

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

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)