

15.06.2023.
Court No.13
Item No. 13
ap

W.P.A. No. 8705 of 2023
Sri Gautam Das
Versus
The State of West Bengal & Ors.

Mr. Arnab Roy,
Ms. Sayani Ahmed.

...For the petitioner.

Sk. Md. Galib,
Ms. Tanwishree Mukherjee.

...For the State.

Mr. Sandipan Pal.

...For the respondent no.4.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner complains that Khardah Police Station at the instance of the private respondents are obstructing the lawful construction over a piece of property.
3. It appears from the records that the private respondents, who are represented in Court, had filed a suit being Title Suit No. 247 of 2022 before the learned 2nd Civil Judge (Junior Division), Barrackpore for declaration and injunction against the petitioner. It further appears from the records that injunction was initially passed but subsequently vacated.
4. On the complaint of the private respondents, Khardah Police Station has also registered an FIR being No. 106 of 2023 dated 16th February, 2023 against the petitioner. The petitioner is on bail.

5. It is submitted that since there is no restraint order on the construction of the petitioner by a Civil Court, the petitioner shall continue to construct on his own property.

6. Counsel for the Khardah Police Station submits that they have not in any way interfered with the construction of the petitioner.

7. In those circumstances, this Court finds that subject to any order of any Civil Court and subject to the result of Title Suit No. 247 of 2022, the petitioner may carry out the construction on his property in accordance with law.

8. The instructions of Khardah Police Station dated 18th April, 2023 filed in Court today be kept with the record.

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

10. There will be no order as to costs.

11. 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.)