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14.09.2023
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Ct 14

WPA 19737 of 2023

Sk. Altab Hossain @ Altab Ali

-vs-

State of West Bengal & ors.

Mr. Arup Kumar Bhowmick

....for the petitioner

Mr. Suman Sengupta

Ms. Sangeeta Roy

...for the State

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

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 is the absolute owner of the property in question. He is trying to make some constructions on the said land as per sanctioned plan. But the private respondents who are the local residents are preventing him from undertaking such constructions. This was brought to the notice of the police authorities. But, no steps were taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. It appears that the concerned private respondents, the local residents of the place, are aggrieved that while undertaking such

constructions, the petitioner is keeping the building materials on the narrow common pathway which is obstructing the egress and ingress to the respondent's houses. On the complaint of the petitioner, the police authorities have already initiated a proceeding under Section 107 of the Code.

The petitioner might have every right to construct a residential house on his own property as per sanctioned plan. But the petitioner cannot block a common passage way or road by placing building materials on the same.

The petitioner shall take adequate care that such building materials do not block the road. Subject to that, none of the private respondents would be having any right to prevent the petitioner from doing constructing work in his own land as per law.

Let the police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place.

No further order need be passed.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)