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15.09.2023
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Ct 14

WPA 20239 of 2023

Sushama Mondal

-vs-

State of West Bengal & ors.

Mr. Soumitra Mukherjee

Mr. Kaushik Biswas

Mr. Pratyush Ghosh

...for the petitioner

Mr. Surya Prasad Chattopadhyay

Mr. Arjun Samanta

..for the respondent no.5

Mr. Suman Ghosh

Mr. Soumen Chatterjee

...for the State respondent

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

It appears that the notice to the private respondent could not be served as the door was locked. However, an intimation was served.

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 wife of an army personnel whose is now posted at Leh. The petitioner's husband purchased a property and it was agreed with the adjacent land owner that there will be a gap of 18 inches between the two boundary walls. However, after the adjacent land owner being the respondent no.7 constructed such boundary wall , it was found that he had left a gap of only 12

inches. That apart, there are serious instances of illegal construction done beyond the sanctioned plan by the said respondent. The concerned Municipality has already issued a stop work notice. But the same is not being adhered and the illegal constructions are continuing. The private respondents are harassing and threatening the petitioner.

Learned counsel appearing on behalf of the Municipal Authorities submits that already an order to stop work has been issued. The Municipality shall take further steps if the same is not adhered to.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint made by the petitioner, a specific FIR being Kotwali Police Station Case No. 1196 of 2022 dated 22.11.2022 was started under Sections 447, 354B, 509, 506 and 34 of the Indian Penal Code. A charge sheet dated 31.12.2022 was submitted thereafter. The police are keeping a close watch on the situation.

It appears that there is an ongoing dispute between the private parties regarding their adjacent land holdings.

On the question of illegal construction done by the petitioner, the Municipal Authority has already taken steps by issuing a stop work notice. It is expected that they would act further if the order is not complied with.

So far as the allegations of threats and harassment to the petitioner are concerned, the police authorities have also acted by registering an FIR. They are also submitted a

charge-sheet in this regard.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

In the event any untoward incident happens or is apprehended by the petitioner, she shall be at liberty to call up the Officer in Charge of the local police station who shall then act in accordance with law.

Since affidavits were not called for, allegations are deemed not to have been admitted.

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.)