

27.09.2023
sayandeep
Sl. No. 28
Ct. No. 14

WPA 21388 of 2023

Dhanu Ghosh
-versus-
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Mridul Biswas
..... for the petitioner

Mr. Suman Ghosh
Mr. Siddhartha Ghosh
.....for the State

Mr. Pradyat Saha
.....for the Pvt. respondent

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 for the petitioner
submits as follows. The petitioner is the owner of the
land in question being plot No. 833. The private
respondent is the adjoining land owner who is trying to
prevent the petitioner from constructing a building on
the said land although sanctioned plan has been issued
by the Pradhan, Susunia Gram Panchayat.

Learned counsel appearing for the private
respondents denies the allegations and submits that his
client has been enjoying an injunction in respect of his
own property being plot No. 832. He further submits

petitioners are trying to encroach upon the private respondent's property.

Learned counsel appearing for the State relies on the report and submits as follows. A proceeding has already been initiated under Section 107 of the Code of Criminal Procedure. The State has also sought for an intervention by the concerned Bl&LRO.

The petitioner is claiming a right in respect of the plot No. 833 while the private respondent could at best show some right in respect of the plot No. 832. Similarly, the petitioner does not have any right in respect of plot No. 832 that purportedly belongs to the private respondent.

Therefore, the private respondent has no right to prevent the petitioner from constructing a house on his own property subject to proper sanctioned plan issued by the local Panchayat.

Let the respondent police authorities maintain a strict vigil at the locale and ensure that no breach of peace takes place.

In the event any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to intimate the Officer-in-Charge, Manteswar P.S. who shall then act in accordance with law.

With these observations, the writ petitions is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)