

WPA 21605 of 2023

Bablu Das & anr.

-vs-

The State of West Bengal & ors.

Mr. Debajyoti Deb

Ms. S. Parekh

Ms. Antara Panja

...for the petitioners

Ms. Sohini Bhattacharyya

...for the private respondent

Mr. Asish Kumar Guha

Mr. Benazir Ahmed

...for the State

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

Report filed on behalf of the State is also taken on record.

Copy of the same is handed over to the learned counsel for the petitioners and the private respondents.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the land in question. They have got a sanctioned plan for constructing a G+1 storied building. Suddenly the local police authorities are visiting the petitioners' premises and forcibly stopping the construction work there. Although the petitioners had received a notice from the Officer in Charge of the police station in this regard, but the Memo No. 1153 dated 06.07.2022 of the Municipality Corporation referred to

in the notice was not served upon the petitioners. If at all, the police and the Municipal Authorities are not proceeding as per law. In the event there is at all any deviation from the sanctioned plan, the same can be kept aside and the rest of the building constructed.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents noticed the illegal construction and objected to the same before the Howrah Municipal Corporation. A hearing took place where the petitioners also participated and thereafter an order of “stop work” was passed.

Learned counsel appearing on behalf of the State relies on the report and submits that there was a deviation from the sanctioned plan. That is why steps were taken by the Municipality in terms of Section 225 of the Howrah Municipal Corporation, 1980.

It appears that a step was taken by the Municipal Corporation upon a complaint made by the private respondents about the purported deviation from sanctioned plan in the construction effected by the petitioners.

Accordingly, after giving a hearing, an order was passed directing the police authorities to have the work stopped. The police have acted in pursuance of this order.

Therefore, no case of police excess is made out in the instant case.

If the petitioners wants to seek any relief in this

regard, the same has to be before the authority of the Municipal Corporation or before the Appellate Authority.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of without costs.

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

(Jay Sengupta, J.)