

October 19, 2023
AD 11
Court No.14
SG

WPA 25146 of 2023

Mehtabali @ Mehtab Ali Molla
vs.
The State of West Bengal and others

Ms. Pampa Dey (Dhabal)
Mr. Nikhil Kumar Gupta
... for the petitioner
Mr. Rajarshi Basu
Ms. Munmun Tiwary
... for the State

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner had made a complaint about the illegal construction. The municipal corporation directed demolition. After the demolition was effected, the persons responsible for the illegal construction started threatening, intimidating and assaulting the petitioner. Police help was sought, but was denied.

Learned advocate for the State relies on the report and submits as follows. In pursuance of the order passed by this Court, police help was provided for demolition of the illegal construction. On the complaint of the petitioner, a proceeding has been initiated under Section 107 of the Code.

It appears that upon the complaint of a vigilant petitioner and pursuant to an order passed by this Court, an illegal construction was demolished. If thereafter any harm is done to the petitioner by the

persons responsible for the illegal construction, then the State has a moral obligation to save the petitioner.

However, it appears that the police have taken some steps and initiated a proceeding under Section 107 of the Code.

Let the police keep a sharp vigil at the locale and ensure that no breach of peace takes place and no harm is done to the petitioner.

In the event any such untoward incident occurs or is apprehended by the petitioner, the petitioner shall be at liberty to inform the Officer-in-Charge of the local police station who shall take steps in accordance with law.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]