

12.07.2024  
Ct. No. 14  
Sl. No.15  
KB

**In The High Court at Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A. 5597 of 2024**

**Santu Samanta  
Vs.  
The State of West Bengal & Ors.**

Mr. Partha Sarathi Das  
Ms. Shanta Sarkar  
Mr. Arindam Chakroborty  
... For the petitioner.

Mr. Santanu Kumar Mitra, Sr. Govt. Advocate  
Mr. Amartya Pal  
... For the State respondents.

Mr. Subhajit Chowdhury  
Mr. Binay Shaw  
Mr. Sujan Das  
... For the Private Respondents 8 to 13.

The petitioner is the owner of a piece and parcel of land over which he intends to raise construction strictly in accordance with the sanctioned plan issued by the Ashoknagar Kalyangarh Municipality.

Private respondents are standing in the way and, accordingly, complaint was lodged before the police. Allegation is that no steps have been taken in response thereto.

Learned advocate representing the private respondents submits that the private respondents are

the members of a local club holding Durga Puja at a portion of the said land for a considerable period of time. It has been submitted that the petitioner is trying to evict the club.

On a query from the Court with regard to the documents in support of possession or ownership of the club over the subject plot of land, learned advocate submits that there is no legal document but Puja is being organized over the subject plot of land for a pretty long time.

Learned advocate representing the State respondents rely upon the instruction forwarded by the Officer-in-Charge, Ashoknagar Police Station signed on 13<sup>th</sup> March, 2024 which mentions that the complaint of the petitioner was diarized and the police submitted prosecution being Ashoknagar P.S. P.R. No. 144/2024 dated 7<sup>th</sup> March, 2024 under Section 107 Cr.P.C. against the private respondents to maintain peace in the locality.

From the submission made on behalf of the parties, it appears that the private respondents do not have any right, title or interest over the subject plot of land where the petitioner intends to raise construction relying on the plan sanctioned by the Municipality. The plan proposal submitted by the petitioner to raise construction was considered by the Municipality and

permission was granted for raising construction. The petitioner has mutated the land in his favour in the records of the Municipality and the land is recorded in the name of the petitioner in the Record of Rights maintained by the Land Department.

The petitioner being the owner of the subject land has the right to enjoy the same according to his own wish and desire. A plan for raising construction has been sanctioned by the Municipality and the petitioner would be legally entitled to raise construction thereon without being obstructed or resisted by any third party.

In view of the above, the instant writ petition is disposed of by directing the police to ensure that the petitioner is permitted to raise construction over the subject plot of land in accordance with the plan sanctioned by the Municipality. The private respondents are restrained from interfering with the work of construction.

The police shall maintain strict vigil and ensure that no breach of peace takes place at the locale and the life and property of the petitioner is not endangered in the hands of the members of the local club.

Leave granted to the private respondents to file vakalatnama in respect of the respondent nos. 8 to 13 by Monday (15.07.2024.)

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

**(Amrita Sinha, J.)**