

S/L 20
20.3.2024
Court No.14
SD

WPA 7902 of 2024

Haji Solaiman Gazi
Vs.
The State of West Bengal & Ors.

Mr. Sourav Mondal
Mr. Abhirup Halder
Mr. Rony Mondal

...for the Petitioner.

Mr. Amitesh Banerjee
Ms. Ipsita Banerjee

...for the State.

Mr. R.N. Chakraborty
Mr. M. Ahmed

...for the Maheshtala Municipality.

Mr. Ayan Banerjee

...for the Respondent Nos.7-8.

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 on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question while the respondent nos.7 and 8 respectively are the developer and promoter of the property. The petitioner had engaged the private respondents to develop his property. However, it was found that the development was being done in excess of the sanctioned plan. This prompted the petitioner to pray for demolition. He had to approach this Court for a direction upon the competent authority to order demolition. But the demolition was not done according to the order. The petitioner filed a contempt application before this Court. However, the same was dropped on the ground that there was a part demolition.

On the very same date, the private respondents came to the residence of the petitioner and on gunpoint evicted them from their own residence. On 11.3.2024, the Officer-in-Charge, Rabindranagar Police Station asked the petitioner to meet him. When he went to the police station he found the accused sitting with the Officer-in-Charge. The officer put tremendous pressure on the petitioner and threatened him to compromise the matter by taking Rs.3 lakh. However, the petitioner did not yield to such pressure. Somehow he was able to return home. But, the private respondents are now blocking the ingress and egress of the said property. If the cctv camera footage of the police station for the date 11.3.2024 is looked into, the role of the police officer in this would become apparent.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On 05.3.2024 demolition of the unauthorized structure was done. It is denied that any kind of pressure was applied on the petitioner by the police authorities. On the complaint of the petitioner, a proceeding was initiated under Section 107 of the Code against the private respondent nos.7 and 8. Soon thereafter, the private respondent no.7 also made a complaint on which another proceeding under Section 107 was initiated. On 15.3.2024 the petitioner lodged a written complaint which was registered as an FIR being Rabindranagar PS Case No.105 dated 15.3.2024 under Sections 448, 506, 188, 34 of the IPC.

Learned counsel appearing on behalf of the respondent nos.7 and 8 denies the allegations and submits that some right had accrued in favour of the private respondents pursuant to the development agreement. The petitioner only wants to deprive them of such rights. No pressure whatsoever was employed on the petitioner. Even the ingress and egress of the petitioner's property have not blocked.

It appears that the contempt application filed before this Court was dropped on the ground that demolition of the unauthorized structure had been initiated.

It further appears that earlier there was an agreement for the development of the property in question between the private parties.

However, subsequently the petitioner has alleged biased and unlawful action by the Officer-in-Charge of the Rabindranagar police station in order to favour the promoter and developer. A case has been registered and is being investigated by a Sub-Inspector of the same police station.

In the interest of justice, let the investigation of the case be transferred to the CID forthwith.

Let the investigation be conducted expeditiously and in accordance with law.

The cctv footage of the police station for the date 11.3.2024 shall be preserved and be handed over to the CID who would be investigating the case.

Local police authorities shall also ensure that the ingress and egress to the petitioner's property are not

blocked by the private respondents. If a complaint is made by the petitioner in this regard, the police shall take appropriate action promptly.

With these observations, WPA 7902 of 2024 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made are deemed not to have been admitted.

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

Parties shall act on the basis of the website copy of this order duly downloaded from the official website of this Court.

(Jay Sengupta, J.)