

67 02.02.2024
NB Ct. 14

WPA 12121 of 2023

Safiar Rahaman @ Safiuddim Mallik
Vs.
The State of West Bengal & Ors.

Mr. Kajal Ray,
Mr. Suman Nandi.
...for the petitioner.

Mr. Ansar Mandal,
Md. Idrish.
...for the State.

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

No one appears on behalf of the private respondents despite service as would be evident from the affidavit of service filed earlier.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. His name has been recorded in the record of rights. He is staying at the property inside a temporary structure and wants to build a house. A building plan has been sanctioned in this regard. However, the said construction cannot be done because of obstruction from the private respondents who are rank outsiders and known antisocials of the locality. There are cases pending against them. Police help is required to make the construction on the said land.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, the police have already acted by instituting a

proceeding under Section 107 of the Code. It does not appear that the private respondents had ever raised any civil dispute in respect of the said property. On the other hand, it is claimed by the petitioner that they are rank outsiders and known antisocials having criminal antecedents.

As the petitioner is the owner of the property and has obtained a sanctioned plan from the concerned authority to construct a building on his land, no one can prevent him from doing so. It is the duty of the State Administration to ensure that the petitioner is not obstructed in any manner by any antisocial element on the private respondents.

Let the police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place. They shall also take immediate steps if the private respondents come to obstruct the construction of the building by the petitioner on his land according to the sanctioned plan.

If any untoward incident occurs or is apprehended by the petitioner, the petitioner shall be at liberty to immediately call up the Officer-in-Charge of the Haripal Police Station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

