

Sl. No.30
17.01.2024
Court no.14
sd

*IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE*

W.P.A. 12471 of 2023

*Rabindra Nath Kar
Vs.
The State of West Bengal and Ors.*

Mr. Saibal Kumar Acharya
Mr. Pradip Paul
Ms. Renesa Dey

.....for the petitioner.

Mr. Pantu Dey Roy
Mr. Subrata Guha Biswas

....for the State.

Mr. Kaushik Dey
Mr. Soumyajit Mishra

...for the respondent nos. 7 to 12.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. He obtained a sanctioned plan and started construction. But, the private respondents started creating disturbance. This prompted the petitioner to approach the police authorities, but no help was rendered.

Learned counsel for the private respondent nos. 7 to 12 submits as follows. The allegations made in the writ petition are denied. The private respondents have never prevented and will not prevent the petitioner from

making construction in his own land. On the contrary, it is the petitioner who has been trying to encroach upon the land of the private respondents.

Learned advocate for the State submits that the petitioner obtained a sanctioned plan for making the necessary construction in his own land. However, on the allegation of the petitioner a proceeding has been initiated under Section 107 of the Code.

If any of the parties wants to establish any further right in respect of their land, the same has to be done before the civil court.

However, it appears that there is a sanctioned plan in respect of the petitioner's own property where he is entitled to make a construction.

It also appears that the police authorities have taken steps by instituting a proceeding under Section 107 of the Code.

Fortunately it has been submitted on behalf of the private respondents that they are not going to prevent the petitioner from making any construction as per sanctioned plan in their own land.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With the aforesaid observations, the writ petition being WPA 12471 of 2023 is disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Jay Sengupta, J.)