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24.05.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 14705 of 2024

**Soleman Ali Khan @ S.A.K.
-versus
The State of West Bengal & Ors.**

**Md. Sarwar Jahan,
Mr. Sayantan Hazra,
Mr. Asif Mehdi.
...For the Petitioner.**

**Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner is a Primary Teachers' Training Institute represented by its Secretary.

Allegation is that the respondent no. 9 who was the erstwhile Secretary of the Institute has executed a deed of lease in favour of his wife, the respondent no. 10 on 18th April, 2024 and relying on the said agreement for lease the respondent no. 9 is raising construction on the play- ground of the Institute without obtaining any sanction plan from the Gram Panchayat.

A complaint was lodged before the police and before the Pradhan of the Gram Panchayat. Copy of the complaint was also forwarded to the District Magistrate and the Sub-Divisional Officer as well as Block Land & Land Reforms Officer, Ghatal.

Learned advocate representing the State respondents relies upon the police report.

The police has registered an FIR being Ghatal P.S.Case No. 164 of 2024 on 9th May, 2024. The information forwarded by the Officer-in-Charge, Ghatal Police Station signed on 24th May, 2024 mentions that the case is under investigation.

The report of the police clearly mentions that after the respondent no.9 Rafik Ali Khan was removed from the post of secretary of the Institute, he has been trying to disrupt the affairs of the governing body of the Institute and he has fraudulently transferred certain plots of land of the Institute to his wife.

As it appears that the case registered against the respondent no.9 Rafik Ali Khan is being investigated by the police and there is nothing on record to suggest that the construction in question is going on in accordance with any plan sanctioned by the Gram Panchayat, accordingly, the Officer-in-Charge, Ghatal Police Station is directed to forthwith stop the construction work made by the respondent no.9.

The Gram Panchayat is directed to ascertain as to whether any sanction was granted for raising such construction or not.

If no plan has been sanctioned for raising construction, then steps shall be taken to deal with the unauthorized construction in accordance with law.

The police is directed to proceed with the investigation in accordance with law and ensure that the investigation is concluded at the earliest.

Instruction forwarded by the Officer-in-Charge, Ghatal Police Station signed on 24th May, 2024 be retained with the records.

As the matter was moved on urgent basis upon obtaining leave of the Court, copy of the writ petition could not be served upon the private respondents.

Let copy of the writ petition be served upon the private respondents for information.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)