

08.10.2024
Ct. No.551
Sl. No. 9
tbsr

WPA 17362 of 2024

**Pradyot Kumar Khan
Vs.
The State of West Bengal & Ors.**

Ms. Subhanwita Ghosh
....for the petitioner

Mr. Srijan Nayak
Mrs. Rituparna Maitra
....for the State

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

2. By filing the instant writ petition, the writ
petitioner has prayed for issuance of writ of mandamus
upon the respondent nos. 7 and 8, i.e. S.P., Paschim
Medinipur and the Inspector-in-Charge, Kharagpur
(Town), Police Station Kharagpur, District Paschim
Medinipur for providing him police help at the time of
demolition of premises being holding no. 441/260 in
Mouja-Inda, Ward No. 02, Kharagpur, Paschim
Medinipur.

3. Though the State is represented but none
appears on behalf of the Municipality.

4. At the very outset learned advocate for the
writ petitioner draws attention of this Court to page no.
19 of the instant writ petition.

5. It is submitted that by issuing a letter dated 22.11.2023, the Chairman, Kharagpur Municipality/respondent no. 3 herein directed the writ petitioner to demolish the aforementioned building since the said building has been damaged in the meantime and the at the same time permitted the writ petitioner to start new construction thereupon as per the West Bengal building Rule, 2007.

6. It is submitted that apprehending intervention of some undesirable private person of locality, the writ petitioner under cover of its letter dated 11th March 2024 wrote a letter to respondent no. 8 for providing police help at the time of demolition of the building but no such police help was provided either by the respondent no. 7 or by the respondent no. 8 though a copy of letter dated 11.03.2024 was also served upon the respondent no. 8.

7. Learned advocate for the State submits before this Court that an appropriate direction may be passed upon the respondent nos. 7 and 8.

8. Upon consideration of the entire materials as placed before this Court, this Court considers that justice would be sub-served if the respondent nos. 7 and 8 are directed to provide police help to the writ petitioner while they initiate demolition of the aforementioned building.

9. Ordered accordingly.

10. It is thus directed that the writ petitioner shall in writing communicate the respondent nos. 7 and 8 the exact date of initiation of the demolition of the aforementioned building either by sending a letter or by email. The respondent nos. 7 and 8 shall thereafter provide adequate police personnel to ensure that the demolition work at premises being holding no. 441/260 in Mouja-Inda, Ward No. 02, Kharagpur, is being carried on smoothly and without intervention from any outside agency.

11. Before parting with it is further directed that the respondent nos. 7 and 8 are at liberty to ask the writ petitioner to deposit requisite amount of fees for deployment of police personnel and in the event such fees are charged, the same is to be deposited by the writ petitioner in the district Treasury in advance.

12. It is further made clear that the entire exercise is to be completed both by the writ petitioner as well as the private respondent nos. 7 and 8 positively by last day of December, 2024.

13. Learned advocate for the State is hereby requested to communicate this order to the respondent nos. 7 and 8.

14. The respondent nos. 7 and 8 are directed to act on the server copy of this order.

15. With the aforementioned observations, the instant writ petition is disposed of.

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

(Partha Sarathi Sen, J.)