

March 7, 2024  
AD 6  
Ct. No.14  
SG

WPA 22183 of 2023  
with  
CAN 1 of 2024

*Sukumar Kundu and another*  
*vs.*  
*The State of West Bengal and others*

Mr. Niladri Sekhar Ghosh  
Mr. Sompurna Chatterjee  
Mr. Sourov Mondal  
Ms. Laboni Sikder  
Mr. Rony Mondal

... for the petitioners.

Mr. Jayanta Samanta  
Mr. Sankha Prasad Roy

... for the State.

Mr. Kallol Mondal  
Mr. Krishan Ray  
Mr. Souvik Das  
Mr. Anamitra Banerjee

... for the respondent No.4.

Mr. Soumyajit Bhatta

... for the added respondent.

Learned advocate for the petitioners submits as follows. The petitioners are undertaking a construction work at their own premises. But, the private respondents and others including a police officer had been disturbing the petitioners and preventing them from doing such construction work. The police officer had asked for a bribe. Since the petitioners did not yield, he went beyond his brief and tried to engage a private authority to find out whether the construction work was legal or illegal. The stop-work notice at the behest of the added respondent issued earlier has now been withdrawn by the

municipal authorities. An order under Section 144 of the Code promulgated at the behest of another had been set aside after 10/12 days. As of now, there is no legal impediment on the petitioners in continuing with the construction work. Yet, the police are preventing the petitioners from undertaking such construction.

Learned advocate for the added respondent submits that in the application for addition of party, the added respondent has relied on the order of the municipal authority directing stoppage of work. However, it has been subsequently learnt from his client that the said order was withdrawn by the municipal authority without informing the added respondent. The added respondent will take appropriate steps in this regard as also in connection with the writ petition that is pending before the Coordinate Bench.

Learned advocate for the respondent No.4 denies the allegations made in the writ petition and submits that there has been a misunderstanding about the role played by his client. His client had taken steps to find out whether the construction work was legal or illegal. However, if this has caused any prejudice to the petitioners, his client is tenders apology about the same.

Learned advocate for the State relies on the report filed earlier and submits that the role of the inspector-in-charge had been gone into. He has been appropriately instructed. He has tendered apology about the steps taken earlier.

It appears that the role of the respondent No.4 has been dealt with by the appropriate authorities and this is no more an issue because the respondent No.4 has also been transferred from the earlier post.

So far as any order directing stoppage of work is concerned, the same has been withdrawn. At the present, there is no impediment on the petitioners to go ahead of the construction work.

However, the added respondent shall also be at liberty to agitate his grievance before the municipal authorities appropriately and before the Bench where the connected writ petition is pending.

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

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

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

Parties shall act on a server copy downloaded from the official website of this Court.

**[ Jay Sengupta, J. ]**

