

D/L 87
02.12.2024
Kausik
ct.no.35

W.P.A. 24484 of 2024

**Sikha Ruj
Versus
State of West Bengal & Ors.**

Mr. Pinaki Ranjan Chakraborti

...for the petitioner.

Mr. Suman Ghosh
Mr. Sankha Prasad Roy

...for the state.

Affidavit of service so filed be kept with the record.

Petitioner has expressed his concern that the private respondents are installing a lift and to that extent, encroaching the land of the petitioner.

To that effect, complaints were lodged with the Officer-in-Charge, Coke Oven Police Station on or about 14.09.2024 but for the said unauthorized construction no steps have been taken.

Report has been submitted by Mr. Ghosh, learned advocate appearing on behalf of the state which reflects that there is no such construction which could be visualized by the police authorities. However, having regard to the preventive action which the police authorities felt, may arise, proceedings

under section 126/135(3) of the BNSS have been drawn up.

As the issue relates to illegal construction, police authorities will not be able to assist the petitioner until and unless the appropriate court of law or the municipal authorities according to the nature of the complaint, comes to a finding regarding illegal construction. Petitioner would first file a representation before the municipal authorities or approach the civil court, if either the authority or the civil court passes any direction upon the police authorities for rendering their assistance, in that case, police authorities would be bound by such order and execute such order.

With the aforesaid observations WPA 24484 of 2024 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)