

WPA 24530 of 2023

Soumen Bhattacharya

-vs-

The State of West Bengal & ors.

Mr. Bhaskar Chandra Manna

...for the petitioner

Ms. Sulagna Bhattacharya

Ms. Mousumi Banerjee

...for the State

Mr. Tanmoy Mukherjee

Mr. K. R. Ahmed

Mr. Rudranil Das

Mr. Soumava Santra

...for the respondent no.8

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner made a prayer before the Contai Municipality requesting for demolition of holding no.156/252 of Ward No. XV as the same was in a dilapidated condition. By an order dated 04.09.2023, the Municipality rejected the prayer as there was a tenant in the first floor. The prayer was rejected till its vacancy. This implies that the police can take steps to vacate the property and have the building demolished. Accordingly, police help was sought, but was denied.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. The petitioner has suppressed that

the respondent no.8 had filed a civil suit and obtained an order of injunction. The order of injunction was stayed by the Appellate Court. The said order passed by the Appellate Court was also, thereafter, set aside by the High Court. Be that as it may, the petitioner has to approach the Municipal Authorities for necessary direction.

Learned counsel appearing on behalf of the State relies on a report, which is taken on record and denies any police action. She submits that the matter is purely civil in nature. The police has no scope to intervene in the matter unless a direction is received from a Court of law or a request comes from the Municipal Authorities.

It appears that a Civil suit is pending between the private parties over the property in question.

Besides, the prayer to demolish the structure has been rejected by the Municipal Authorities.

If the petitioner wants to obtain any such order of demolition, he has to approach either the Civil Court or the concerned Municipality.

No case of police inaction is made out.

Accordingly, the writ petition is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)