

February 9, 2024
AD 109
Ct. No.14
SG

WPA 25721 of 2023

Supriyo Naskar and others
vs
State of West Bengal and others

Mr. G.C. Baidya
... for the petitioners

Mr. Somnath Ganguly
Mr. Raja Ram Banerjee
... for the State

Mr. Gourab Ghosh
... for the respondent No.10

Report as regards intimation to the private respondent as filed in Court is taken on record.

Learned advocate for the petitioners submits as follows. The petitioners are the owners of the property in question. There is an intervening narrow panchayat irrigation canal between the property belonging to the petitioners and the land of the private respondent. Earlier, the private respondent came up before this Court representing that there was a canal belonging to the PWD which would face serious damage if the present petitioner was allowed to make a construction over the irrigation canal. By an order dated 08.09.2022 passed in WPA 17097 of 2022, a Coordinate Bench of this Court directed Mathurapur Police Station to ensure that no construction was done on any PWD land or canal in any form. Actually, the canal belongs to the panchayat. But, taking advantage of the earlier order the private respondent is

influencing the police to prevent the petitioner from making any construction in his own land.

Learned advocate for the private respondent denies the allegations made in the writ petition and submits as follows. Any construction on such alleged raiyati land would require permission from the panchayat. There is nothing to show that such permission was obtained.

Learned advocate for the State relies on the report and submits as follows. In pursuance of an order passed by this Court earlier, the police are ensuring that no construction is done on the irrigation canal. The police are also keeping a sharp vigil at the locale. Earlier a proceeding had been initiated under Section 107 of the Code.

In the event the petitioners want to make any construction over their own raiyati land, they shall be at liberty to seek necessary permission from the appropriate authorities. When such sanction is granted, they may fairly place the same before the police authorities to assure that no construction would take place on the irrigation canal and therefore, no order by this Court would be violated. If the same is done, the police would take appropriate steps.

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.

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

[Jay Sengupta, J.]