

17.12.2024
Sl. No.32(DL)
srm

W.P.A. No. 28464 of 2024

Arati Metya

Versus

The State of West Bengal & Ors.

Mr. Shouvik Naskar

...for the Petitioner.

Mr. Rajarshi Basu,
Mr. Ananda Dulal Sarkar

...for the State-respondents.

Mr. Anup Dasgupta,
Ms. Megha Datta

...for the Respondent Nos.6, 7 & 9.

Affidavit-of-service so filed be kept with the record.

Petitioner is aggrieved by the fact that after obtaining all relevant permission when she has been raising construction the private respondent Nos.6, 7 and 9 are raising obstruction and in fact, the building materials which were kept for construction has also been removed at the instance of the private respondents.

Learned Advocate appearing for the State submits that the police authorities have been keeping a vigil so that no untoward incident takes place as *prima facie* the property in question is undivided.

Learned Advocate appearing for the respondent Nos.6, 7 and 9 submits that there has been conversion of the property which is against the provisions of law and since the private respondents also have interest regarding the property and the construction is being raised pursuant to permission obtained behind their back, they have raised their objection.

In view of the fact that a complaint has been lodged with the police authorities which *prima facie* reflects that the building materials which were stored have been removed and indication in the complaint is against the private respondents, I direct the police authorities would collect materials to the effect as to whether such materials have been removed or not and in case they find that a cognizable offence is made out they would proceed in accordance with law. So far as the other issues are concerned, particularly with regard to construction, petitioner would approach the jurisdictional court with prayers for relief.

In the meantime, police authorities would keep a vigil and ensure that there is no breach of peace and tranquillity or any untoward incident results because of the inimical relationship presently existing between the petitioner and the private respondents.

With the aforesaid observations, writ petition being WPA 28464 of 2024 is disposed of.

There shall be no order as to costs.

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

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

(Tirthankar Ghosh, J.)