

April 1, 2024
A 84
Ct. No.14
SG

WPA 28909 of 2022

Swapan Kumar Debnath
vs.
The State of West Bengal and others

Mr. Sudarsan Halder
Mr. Kushal Chatterjee
... for the petitioner.

Mr. Ashim Kumar Ganguly
Mr. Sambuddha Dutta
... for the State.

Report filed by the State is taken on record.

Learned counsel appearing for the petitioner submits as follows. The respondent No.8 had encroached on a portion of the petitioner's premises. After filing of this writ petition, he and his associates withdrew from the said portion of the property. However, a small platform illegally constructed by them still remains on a portion of the property. This is required to be removed. Furthermore, the petitioner would like to construct a boundary wall to secure his property.

Learned counsel appearing for the State relies on the report and submits as follows. The respondent No.8 shifted his temporary tea stall from the portion of the property owned by the petitioner. A title suit is pending in respect of the property with another. The police are keeping a close watch on the developments in the locality.

It appears that the prime grievance of the petitioner has already been redressed inasmuch as after filing of the

writ petition the private respondent has withdrawn his tea stall from the property of the petitioner.

In the event the platform allegedly built by the private respondent is not removed by him within a month from this date, the petitioner shall be at liberty to intimate the police and municipal authorities that he would be removing the unlawful construction from his property. If the petitioner wants to build a boundary wall to protect his property, he shall make a similar representation before the police authorities including the respondent No.3 as well as the municipal authorities, who shall consider the same expeditiously and in accordance with law. All these shall be subject to any order that may be passed by a civil court.

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 server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]

