

19.02.2025
Item No.09
RP/SM
Ct. No.01

FMA 130 of 2025
With
IA No.CAN 1 of 2025

Sk. Babar Ali @ Laltu
VS.
State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Mr. S. Nandy

....For Appellant

Mr. Swapan Banerjee
Mr. Soumen Chatterjee

....For State

Mr. Ramji Munsu

....For Writ Petitioner

1. This appeal filed by the eighth respondent in WPA 29232 of 2024 is directed against the order dated 12th December, 2024. In the impugned order the learned Single Bench took note of the fact that the civil Court has already passed an order directing the Officer-in-Charge, Balagarh Police Station to conduct an inspection of the appellant's property and in addition the learned writ Court directed the Deputy Superintendent of Police to personally visit the area complained of where a civil Court was pleased to pass a direction and thereafter take appropriate steps thereby respecting and obeying the order of the civil Court, in case any delinquency is found from the end of Balagarh Police Station, the superior officer concerned will take appropriate steps, in accordance with law.

2. The direction issued appears to be an innocuous direction. Apart from that there is an order passed by the civil Court which the learned Single Bench has recorded in the order impugned. Therefore, to that extent the appellant cannot have any grievance. However, the learned advocate for the appellant would submit that the writ petition was disposed of by order dated 12th December, 2024. However, notice of the writ petition was received by the appellant only on 16th December, 2024. Be that as it may, if according to the appellant he has an approved building plan and on which construction has been put up by him in accordance with the sanctioned building plan, nothing prevent the appellant to place those document during the course of inspection by the police authority in terms of the direction of the learned Single Bench. Therefore, there is no ground to interfere with the impugned order passed by the learned writ Court. It will be open to the appellant to produce all documents before the inspecting authority at the time of inspection which should be considered by the police authority and it is only thereafter further action should be initiated.
3. With the above clarification, the appeal and the connected application stand disposed of.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)

