

17.04.2025
Item No.39
Ct. No.35
dc.

W.P.A. 7318 of 2025

**Bani Das alias Monika Das
versus
The State of West Bengal & Ors.**

Mr. S. K. Humayan Reza ... For the Petitioner.

Mr. Swapan Banerjee, AGP,
Mr. Diptendu Narayan Banerjee ... For the State.

Mr. Jay Chakraborty,
Mr. Souvik Ganguly ... For the Respondent No.5.

Mr. Rajendra Banerjee,
Mr. Sandip Dinda ... For the Respondent Nos.6 & 7.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The petitioner is aggrieved by the construction of staircase and bathroom and claims that the same is by grabbing the property of the petitioner. To that effect, petitioner approached the learned Executive Magistrate as also informed the police station.

Learned advocates appearing for the private respondents submit that there are suppression of material facts as the petitioner earlier approached the civil court and presently is trying to use the police authorities without any appropriate order from a court of law.

State has submitted a report which reflects that the police authorities have conducted enquiry, but they are not authorised to interfere in respect of

even an illegal construction until and unless directed by a civil court or an appropriate authority. Accordingly, if the petitioner approaches the appropriate authority or the civil court for direction upon the police authorities by way of establishing her right, then only the police authorities would respect, obey and implement such order.

In the meantime, the police authorities would ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident results because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 7318 of 2025 is disposed of.

There will 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.)