

26.06.2025
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FMA 901 of 2025
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IA No.CAN 1 of 2025
Ali Akbar
- Versus -
State of West Bengal & Others

Mr. Abdul Hadi
... for the Appellant.
Mr. Vimal Kumar Shahi (through V.C.),
Ms. Pratiti Das
... for the State/Respondents.

Affidavit-of-service, as filed, be kept on
record.

The present appeal has been preferred
challenging an order dated 6th May, 2025 passed by
the learned single Judge in a writ petition, being
WPA 21704 of 2024.

Mr. Hadi, learned advocate appearing for the
writ petitioner/appellant submits that the appellant
earlier filed a writ petition, being WPA 5597 of 2021
alleging that the private respondents were raising
an unauthorised construction at premises No.
B/32/H/9/2, Mahendra Roy Lane, Topsia under
the Kolkata Municipal Corporation (hereinafter
referred to as the KMC) without a sanction plan.
The said writ petition was disposed of by an order
dated 15th March, 2021 directing the Municipal
Commissioner, KMC to consider and dispose of the
appellant's representation. Pursuant to such
direction, a demolition order was passed on 1st

September, 2021 by the Special Officer (Building), KMC. Immediately thereafter, one Mr. Promod Singh @ Langra Promod and the private respondents started threatening the appellant for having taken steps towards demolition of the unauthorised construction. Such fact was immediately brought to the notice of the police authorities by a complaint lodged on 8th April, 2022 but no steps were taken and as such, the appellant was again constrained to prefer the writ petition, being WPA 21704 of 2024, which was disposed of by the order impugned in the present appeal.

He further submits that the private respondents including the said Promod Singh are constantly threatening the appellant. Such threat perception was glossed over by the learned single Judge and no finding was returned on the same and no mandatory direction was issued upon the police authorities to protect the life and liberty of the appellant.

Mr. Shahi, learned Additional Government Pleader appearing for the State/respondents, however, submits that one Balurghat Police Station Case no.268 of 2022 dated 12th April, 2022 under Section 8/A of the West Bengal Correctional Service Act, 1992 was registered against the said Promod Singh. In support of such contention, he has

drawn our attention to a memo dated 4th September, 2024.

He further submits that by the order impugned the learned single Judge directed that in the event any further complaint is lodged by the appellant, the competent authority would take steps in accordance with law. However, in compliance of the said order, no further complaint has been lodged by the appellant. The Officer-in-Charge of Topsia Police Station also made several attempts to contact the appellant but in vain. Let the written note, as filed, be kept on record.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

By the order impugned the learned single Judge had categorically observed that in the event the appellant files any further complaint, then the same shall be considered by the authority, in accordance with law. However, no further complaint appears to have been lodged by the appellant thereafter. In view thereof, we do not find any reason to interfere. However, it is made clear that the police authorities, particularly, the Officer-in-Charge, Tiljala Police Station shall ensure that no physical harm is caused to the appellant's life and property.

With the above observations, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

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

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)