

20.01.2025
Item No.7
gd/ssd

FMA/1172/2024
ARUN KUMAR AGARWAL REPRESENTED THROUGH
THE CONSTITUTED ATTORNEY SUMITRA AGARWAL
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024

Mr. Ayanava Bhattacharya,
Mr. P.K. Gupta,
Ms. D. Ganguly
..for the Appellant.

Mr. Amal Kr. Sen
..for the State.

Ms. Riya Ghosh
..for Bally Municipality.

1. The appellant is the writ petitioner in this intra court appeal aggrieved by the impugned order by which the prayer sought for in the writ petition was not granted but was granted to the appellant to approach the civil court with all the prayers.

2. The appellant alleges that the private respondent is illegally running cattle shed in the adjacent property.

3. It is not in dispute that there is a suit pending in respect of the property, namely, Title Suit No.16448 of 2014 before the learned Civil Judge (Junior Division), 6th Court at Howrah for recovery of possession of the property from the private respondent.

Further, in the civil suit an order of status quo has been passed.

4. The grievance of the appellant is that the private respondent is illegally operating cow shed without obtaining requisite licence from the Bally Municipality or other authorities.

5. The learned Government counsel has received written instructions from the Inspector of Police and IC, Liluah Police Station, Howrah dated 10th September, 2024 enclosing the joint inspection report drawn pursuant to inspection and Sub-Inspector, Liluah Police Station dated 6.3.2024 wherein it has been stated as follows:

“1(one) no. calf is present in the unauthorized khatal situated at 21 Rabindra Sarani, Liluah, Howrah-711204 of Devanand Yadav & Nepali Yadav during our inspection today (06.03.24) at...

We ordered for immediate removal of the calf from that unauthorized khatal failing which action will be taken as per Law.”

6. The Inspector of Police, Liluah Police Station has given written instruction to the learned Government counsel wherein the following has been stated:

“In this regard on 06.03.2024 a joint inspection of the said unauthorized khatal have been done by the concern authorities i.e. Dr. Bhaskar Maji of AD, ARD(SA) Howrah & Dr. Debasis Chatterjee of Cattle Licensing Authority(WBCL ACT 1959). After completion inspection the concern authorities directed to private respondent no. 9 Devanand Yadav @ Nepali Yadav for immediate removal of the calf from the said unauthorized khatal failing

which action will be taken as per law. On 010.09.2024 SI Sanjib Kumar Pal visited the spot and found there are no cattle but the tarpaulin shed is still there.”

7. Thus, it could be seen from the above report the cattle have been removed but the tarpaulin shed continues to remain.

8. Therefore, we direct the authorities of the Bally Municipality as well as the Cattle Licensing Authority Officer and the Officer-in-Charge of Liluah Police Station, Howrah to ensure that the private respondent, namely, 9th respondent removes the tarpaulin shed within a week from the date of receipt of server copy of this order if the tarpaulin shed still subsists. The police also maintain strict vigil that the 9th respondent does not once again put up the tarpaulin shed.

9. With the above observations, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)