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jdt. 26.11.2025
jb.

WPA 26104 of 2025
(Suraj Prakash Bathwal vs. State of West Bengal & Ors.)

Mr. Pratip Mukherjee
Mr. Ankush Majumdar
.... For the Petitioner
Mr. Asish Guha
Mr. Amit Kr. Ghosh
.... For the State
Mr. Samrat Choudhury
.... For the Respondent no. 6

Affidavit of service filed by the petitioner and report submitted by the State are taken on record.

Learned counsel for the petitioner submits that the petitioner purchased two adjacent plots of land being 23 B and 23 C, Radha Madhab Dutta Garden Lane. A stop work notice has been issued upon the petitioner in respect of premises no. 23B alleging unauthorised construction therein. The petitioner has let out premises no. 23 C to the proforma respondent by virtue of a leave and licence agreement. The petitioner alleges that the police authority is restraining the proforma respondent from renovating the said plot for setting up a snacks counter cum restaurant therein. The proforma respondent intends to start such restaurant in plot no. 23 C and is undertaking renovation work for the same.

It is not in dispute that stop work notice has been issued by the KMC in respect of plot no. 23 B and not 23 C. Learned counsel for the State has not been able to apprise the Court as to under whose instruction the police authority is interfering with the renovation work at the premises no. 23

C. Since no authority has passed any order with regard to stoppage of renovation work in premises no. 23 C, the police authority is directed to refrain from interfering with the same in absence of any such order. In the event the police authority receives any instruction/complaint in respect of the said premises they are at liberty to take necessary steps in accordance with law.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)