

D/L 51
05.02.2025
Bpg.
ct.no.35

W.P.A.48 of 2025

**Sujit Roy
Versus
The State of West Bengal & Ors.**

Mr. Debanik Banerjee
Mr. Akash Ganguly.
...for the petitioner.

Mr. Santanu Kr. Mitra
Mr. Subhabrata Das.
...for the State-respondents.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that in spite of directions passed on 28.06.2024 in T.S. No.1445 of 2023, the private respondent no.4 is defying the order of the court and in spite of informing the police authorities the construction work is in progress.

Learned advocate appearing for the State has submitted a report. According to the report, police authorities have claimed that the respondent no.4, namely, Sasthi Sikdar has been carrying out the construction in respect of a sanction plan approved by the KMC Building Department and to that effect in order to ascertain, a communication was sent to the

Executive Engineer, Building Department, Borough-XIV.

Having considered that the concerned police officer on 26.11.2024 has informed the Executive Engineer, Building Department, the concerned Executive Engineer would inform the police authorities regarding the factum of whether any sanction plan has been granted and accordingly submit a report before the jurisdictional civil court already in seisin of the matter. Since the civil court is already adjudicating the dispute, police authorities presently would only restrict themselves to ensure that there is no breach of the peace and tranquility in the locale and no untoward incident results because of the strained relationship existing between the parties. The decision regarding the legality or illegality in the construction which is admittedly being carried out would be decided by the civil court which is already adjudicating the dispute between the parties.

With the aforesaid observations, WPA 48 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing on behalf of the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)