

February 5, 2026
(17) ARDR

WPA 635 of 2026

Murtaza Ali
Vs.
The State of West Bengal & ors.

Adv. Indradeep Pal,
Adv. Sougata Pal,

... for the petitioner.

Adv. M. Nazar Chowdhury,

...for the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the private respondents despite service.

The petitioner claims to be the recorded owner of the plot in question and alleges that the private respondents are restraining him from raising construction therein. The petitioner filed a writ petition in this regard earlier which was dismissed by a coordinate Bench of this Court on 13th April, 2022. The said order was carried in appeal by the petitioner and by an order passed on 24th July, 2024 in FMA 99 of 2023 an Hon'ble Division Bench of this Court recorded the possession of the petitioner in respect of the plot and granted liberty to make necessary construction thereon in accordance with law. The order records that the private respondents have submitted that they are not opposing any construction to be made in the plot concerned by the petitioner.

Learned counsel for the petitioner submits that despite such undertaking, the private respondents are

continuing to obstruct him from raising construction in the plot.

It appears that a complaint was lodged by the petitioner before the Superintendent of Police, Birbhum. However, no complaint has been lodged before the local police authority.

Be that as it may, since the petitioner has been held to be in possession of the plot in question and the private respondents have submitted before the Hon'ble Division Bench that they have no objection if the petitioner raises construction in the said plot, the Officer in charge, Nalhati Police Station, being the 4th respondent herein, is directed to ensure that the said submission/undertaking is complied with by the private respondents. The police authority shall keep strict vigil in the area and ensure maintenance of peace and tranquility. The police shall render necessary assistance/protection to the petitioner as and when sought.

With the above direction, the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)