Ct. No.1
Item No.DL/20
Saikat Mukherjee

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

MAT/1709/2026
with
CAN/1/2026

RAKESH GOPE `]… **Appellant**

Versus

STATE OF WEST BENGAL AND OTHERS]… **Respondents**

Appearance:

Mr. Uday Sankar Chattopadhyay with Ms. Trisha Rakshit, Ms. Rajashree Tah, Ms. Ridisha Chakraborty and Ms. Sadia Parveen, Advocates for the Appellant;

Ms. Susmita Dutta, A.G.P. with Mr. Madhu Jana, Jr. Govt. Adv., Mr. Anirban Das and Ms. Madhurima Basu, Advocates for the Respondents-State

CORAM : RAVINDRA V. GHUGE, CJ.
&
OM NARAYAN RAI, J.

DATE : 14th October, 2026.

***ORDER* (Per Court)**

1. On 12.10.2026, we had passed the following order:-

> *"1. We are surprised by the statement of the police that because the Appellant/Doctor is constructing his home and a nursing facility on his own plot with proper*

approved plans and building permission, a law and order situation would be created. This is unheard of.

2. The concerned police officers of the said police station shall make a statement that they will ensure that there is no law and order situation and they will extend adequate protection when the Appellant constructs his home. Even an interim order of the Civil Court in a pending civil suit, protects him.

3. List this Petition ***14.10.2026*** *in the* ***Urgent Supplementary Board****."*

2. The Learned Counsel for the State submits on instructions that the land belongs to the Appellant. There is an injunction order passed by the Civil Court in his suit, which protects him. The order passed by the Magistrate dated 31.08.2026, does not create any impediment in the path of the Appellant in constructing his home. The concerned Police Station is manned by such Police authorities who are in charge of maintaining the law and order, peace and tranquillity in the said area.

3. The Learned Counsel for the State submits that considering the above facts, the authorities would ensure that the Appellant is permitted to construct his home strictly as per the approved plans and building permissions, in peace. If there is any law and order situation created by outsiders unconnected with the construction activity, the Police authority would adopt appropriate steps to maintain peace and tranquillity.

4. The Appellant submits that he would resume the construction activity after the Dashehra festival, post 20/10/2026.

5. In view of the above, **the present Appeal along with the Civil Application, if any, stand disposed off**.

6. List this disposed off Appeal, on **15th December, 2026**, for recording compliance.

(Om Narayan Rai, J.) **(Ravindra V. Ghuge)**
Chief Justice