

06-01-2025
Item No.12 &13
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.3305 of 2023
Trishna Mondal

-vs-

The State of West Bengal & Ors.

with

CPAN No.684 of 2024
Chayan Chakraborty

-vs-

Tanjila Tarafdar

in

WPA No.16635 of 2023

Mr. Joy Chakraborty

Mr. Sandip Dinda

Mr. Ranjit Malakar

...for the petitioner
(in WPA 3305/2023) &

...for the private respondent
(in WPA 16635/2023)

Ms. Jhuma Chakraborty

Mr. Suddhadev Adak

...for the State

Mr. Nilanjan Bharttcharjee

Mr. Arpan Guha

Mr. Indranil Roy

...for respondent no.10
(for the petitioner in CPAN)

1. In WPA No.3305 of 2023, the petitioner, Trishna Mondal, alleges over action on the part of the Inspector in-Charge of Sankrail police station, being the ninth respondent herein, in restraining her from raising construction which was being made in accordance with the sanctioned plan. She further alleges that the police have intentionally and deliberately restrained her from proceeding with the construction work without any authority of law.

2. Learned counsel representing the private respondent, Chayan Chakraborty, submits that the construction is being made in such a manner that the common space in between the house of the petitioner and the private respondent has been encroached. It is categorically denied that the construction is being made in accordance with sanctioned plan.
3. Learned counsel for the State relies upon the instructions forwarded by the Officer-in-Charge of Sankrail police station signed on April 23, 2024; let it be taken on record.
4. None of the parties has been able to produce any order of any competent forum directing the police to prevent the person responsible for making the construction from proceeding with the construction work. In the absence of any such order from the competent forum, prima facie, it appears that it was absolutely improper on the part of the police to restrain the ongoing work of construction.
5. Accordingly, the Inspector in-Charge of Sankrail police station, the ninth respondent herein, is directed to file a report by way of an affidavit clearly mentioning as to why and how he proceeded to restrain the construction work made by Trishna Mondal. Such report shall be prepared and circulated by January 17, 2025.
6. List the writ petition for further consideration on January 27, 2025.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this court.

[Amrita Sinha, J]

