

12.07.2024  
Ct. No. 14  
Sl. No.14  
KB

**In The High Court at Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A. 4205 of 2024**

**Sri Biswanath Maity  
Vs.  
The State of West Bengal & Ors.**

Mr. Sanjib Bandyopadhyay  
... For the petitioner.

Mr. Jayanta Samanta, Jr. Govt. Advocate  
Mr. Supriya Majumder  
... For the State respondents.

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

The petitioner claims to be the owner of a plot of land where he intends to raise construction. The petitioner obtained permission from the Gram Panchayat for raising the construction. Allegation is that the private respondent is not permitting the petitioner to raise the construction.

Complaint was lodged before the police but the police refused to take any steps in response to the same.

Learned advocate representing the State respondents rely upon the instruction forwarded by

the Inspector-in-Charge, Nandigram Police Station signed on 4<sup>th</sup> March, 2024 which mentions that over the incident in question Nandigram Police Station Case No.1369/2023 dated 27<sup>th</sup> October, 2023 under the provisions of the Indian Penal Code was initiated and after completion of investigation charge sheet has been filed being Nandigram PS Charge Sheet No.1332/2023 dated 19<sup>th</sup> November, 2023 against all the FIR named accused persons.

After receiving the complaint from the petitioner in February, 2024 the police submitted prosecution under Section 107 Cr.P.C. against the private respondent and others being Nandigram PS NCR No.147 dated 9<sup>th</sup> February, 2024.

It appears from the submission made on behalf of the parties and the documents placed before this Court that the petitioner was permitted to raise construction by the Prodhana of the Gram Panchayat. Because of resistance and obstruction by the private respondent, the petitioner could not make the construction within the stipulated time period of sanction. The sanction has expired in the meantime.

The Officer-in-Charge, Nandigram Police Station is directed to ensure that the petitioner is permitted to raise construction on the basis of a valid sanction plan and none should be permitted to raise

obstruction if the construction is made in terms of a valid sanction plan.

It will be open for the petitioner to apply for renewal of the sanction plan and proceed to make construction on the basis of a valid sanction plan.

The police shall ensure that there is no breach of peace at the locale and the life and property of the petitioner is not endangered in the hands of the private respondent.

Report filed by the State respondents is taken on record.

The writ petition stands disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Amrita Sinha, J.)**