

Constitutional Writ

Present : The Hon'ble Mr Justice Jayanta Kumar Biswas

Judgment on : August 23, 2010

W.P.No.17191(W) of 2010

Molla Md. Abdul Kabir

-vs-

The State of West Bengal & Ors.

Points:

Police Action-Whether Police authority can interfere in construction of building according to the sanctioned building plan-Constitution of India Art 226

Facts:

The petitioner in this art.226 petition dated August 12, 2010 is alleging that the officer in charge of Burrabazar police station has been unauthorisedly interfering with the erection of a building by him on the basis of sanction granted by the Kolkata Municipal Corporation

Held:

In the absence of any lawful direction by an appropriate Court or forum, or authority of law conferred by any law, the officer in charge of the police station and the policemen thereof shall not interfere in any manner with the erection of any construction by the petitioner on the basis of plan approved and sanction granted by the Kolkata Municipal Corporation. Para 3

Mr. Bikash Ranjan Bhattacharjee

Mr. Bidyut Baran Biswasfor the petitioner

Ms. Abha Roy

Mr. K.N. Nabifor the State

The Court : The petitioner in this art.226 petition dated August 12, 2010 is alleging that the officer in charge of Burrabazar police station has been unauthorisedly interfering with the erection of a building by him on the basis of sanction granted by the Kolkata Municipal Corporation.

2. Mr Bhattacharjee, counsel for the petitioner, submits that the police have absolutely no jurisdiction to interfere with the erection of the construction according to a plan approved and sanction granted by the Corporation. Ms Roy, counsel for the State, agrees with the proposition and submits that as a matter of fact the officer in charge only visited the place on the basis of a complaint and has not interfered in any manner with the erection of the construction. She says that the police have no reason to interfere in the matter.

3. In view of the above-noted situation, I dispose of the petition ordering that in the absence of any lawful direction by an appropriate Court or forum, or authority of law conferred by any law, the officer in charge of the police station and the policemen thereof shall not interfere in any manner with the erection of any construction by the petitioner on the basis of plan approved and sanction granted by the Kolkata Municipal Corporation. No costs. Certified xerox.

(Jayanta Kumar Biswas, J)

