

(2019) 09 CAL CK 0334

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 18911 (W) Of 2019

Biva Rani Naskar

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 25-09-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 144, 144(2)

Citation : (2019) 09 CAL CK 0334

Hon'ble Judges : Debangsu Basak, J

Bench : Single Bench

Advocate : Priyanka Mondal, Subhra Nag, Debabrata Banerjee, M. M. Rahaman

Final Decision : Disposed Of

Judgement

Debangsu Basak, J

Petitioner complains that, despite the petitioner having a valid sanction to make a construction, the private respondents are creating obstructions in the construction.

State and the private respondents are represented.

Learned advocate for the State submits that, the petitioner approached the Executive Magistrate under Section 144(2) of the Code of Criminal Procedure and that such proceeding was dropped.

Learned advocate for the private respondent submits that, the land belonging to the petitioner is adjoining a school. The school requires such land for expansion. There are negotiations going on between the villagers and petitioner for purchase of the land. Moreover, the proceedings under Section 144 of the Code of Criminal Procedure stands dropped.

Whether or not, the petitioner wants to sell her land is a decision, which the petitioner needs to take. The petitioner cannot be forced to sell such land. The petitioner possesses a due permission to make a construction. The police will

ensure that no breach of peace takes place at the locale when the petitioner is making the construction in accordance with the sanction granted.

So far as the proceeding under Section 144 of the Code of Criminal Procedure is concerned, the same stood dropped due to efflux of time. In any event, such order does not prevent a Writ Court from intervening in a given case.

W.P. 18911(W) of 2019 is disposed of without any order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.