

Nishikanta Halder And Ors Vs State Of West Bengal And Ors

Court: Calcutta High Court (Appellate Side)

Date of Decision: Jan. 16, 2025

Hon'ble Judges: T.S. Sivagnanam, CJ; Hiranmay Bhattacharyya, J

Bench: Division Bench

Advocate: Sandipan Maity, Manali Ali, Koushik Chatterjee, Oindrila Sinha, Prasun Kumar Shah

Final Decision: Disposed Of

Judgement

1. By way of this public interest litigation the petitioners allege that the private respondents are illegally constructing a temple on the bank of a river

and excavation work is going on. In support of the construction photographs have also been enclosed.

2. The Inspector of Police, Ranaghat Police Station/9th respondent has given instruction to the Government counsel submitted that there is no

construction being made but there is already an existing temple.

3. The private respondents who represent the persons who manage the temple submitted that the temple is an ancient temple and certain renovation

and repairs have been maintained and no new construction is being done.

4. In any event if there is any renovation or repair if it involves any demolition, then obviously the approval has to be obtained from the appropriate

authority which would be the Gram Panchayat.

5. Therefore, we direct the 7th and the 10th respondents to conduct an inspection of the premises in question and examine as to whether the

construction is a new construction or only repair work is being done or if it is a new construction whether the same is being made after obtaining

appropriate approval and other related matters after issuing notice to the private respondents.

6. Till then no construction activities shall be made in the area in question.

7. The above direction be complied with within a period of 12 weeks from the date of receipt of the server copy of this order.

8. The learned advocate appearing for the petitioner submitted that after this writ petition was filed the police authorities have come to the residence

and threatened the petitioners to withdraw the writ petition and fearing threat to the life, they are living away from their residence.

9. The learned Government counsel denies the said allegation.

10. In this regard, a complaint has been given to the 9th respondent with a copy to the Sub-Divisional Police Officer, Ranaghat, Nadia District on

19.12.2024.

11. The Sub-Divisional Police Officer is directed to look into the complaint and if there is any threat meted out to the petitioner, appropriate protection

be given to the petitioner subject to payment of cost by the petitioner for such purpose.

12. For the above observations and directions, the writ petition stands disposed of.