

19.08.2021.
Item No. 109.
Court No.13
pk/akd

**W.P.A. No. 21381 of 2019
(Through Video Conference)**

**Sk. Noorul Hooda
Versus
The State of West Bengal & Ors.**

Mr. Debabrata Saha Roy,
Mr. Subhankar Das,
Mr. Neil Basu,
Mr. Rahul Gupta

..for the petitioner.

Mr. Animesh Mukherjee,
Md. Abdul Alim

..for the respondent nos. 6 to 12.

The writ petitioner has applied for police protection in constructing a boundary wall. It is submitted that the land-in-question was standing in the name of the writ petitioner and the obstruction of construction of the boundary wall is at the instance of the private respondents. A complaint was lodged on 27th September, 2019 before the Jagatballavpur Police Station, Howrah by the petitioner but to no avail.

Learned counsel for the private respondents submits that the title of the petitioner as recorded by the Office of the B. L. & L. R. O. is pending challenge in the proceedings instituted by them before the West Bengal Land Reforms and Tenancy Tribunal in Case No. O. A. 53 of 2019. The said O. A. No. 53 of 2019 but no stay has been granted.

In the above circumstances, this Court is of the view that the writ petitioner prima facie having title to the property is entitled to construct the boundary wall.

The Officer-in-Charge, Jagatballavpur Police Station shall provide sufficient security to the writ petitioner at his cost to construct the boundary wall-in-question.

It is, however, made clear that construction of the boundary wall and the possession of the writ petitioner and the asserted title to the subject property, shall abide by any final order that may be passed by the WBLRTT in O. A. No. 53 of 2019.

The W. B. L. R. T. T. is requested to dispose of the aforesaid O. A. 53 of 2019 as expeditiously as possible preferably within a period of four months from the date of communication of a copy of this order.

With the aforesaid observations, the writ petition is disposed of.

Copy of the order dated 12th June, 2019 passed by the WBLRTT is taken on record.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

