

22.04.2022
Court No.13
Item No.28
AP

**WPA 830 of 2022
With
IA NO: CAN 1 of 2022**

**Atiqul Hoque
Vs.
State of West Bengal and Ors**

Dr. Rajib Kumar Kundu

... For the Petitioner.

Ms. Chama Mukherjee
Mr. Rudranil De

... For the State.

The petitioner is aggrieved by the fact that notwithstanding a limited permission from the learned Civil Judge (Senior Division), Murshidabad in partition Suit No.02/17 to construct a latrine on his portion of the property, the 5th defendant in the Civil suit being the respondent No.10 herein, has started to construct a full-fledged building.

The petitioner made a complaint to the Salar Police Station, despite whereof, the police have not taken any steps.

This Court notes that since the 10th respondent herein has effected construction after being allegedly granted limited permission by the Civil Court, any violation of such order must be brought to the notice of the Civil Court to seek remedies. The police have absolutely no role to play, unless there is specific direction upon the police by the Civil Court.

Reserving the right to the petitioner to take appropriate steps in the aforesaid pending civil suit, the writ petition is disposed of.

In view of the disposal of the writ petition, connected applications, if any, shall also stand disposed of.

There shall be no order as to costs.

The report of the OC, Salar Police Station, Murshidabad dated 26th January 2022 is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)