

S/L 368(ML)
13.07.2022
Court. No. 19
GB

WPA 3715 of 2022

Sri Jyoti Samanta & Ors.
VS
The State of West Bengal & Ors.

Mr. S.P. Pahari,
Mr. Tapan Kr. Mahapartra.

...for the Petitioners.

Mr. Bharat h. Simai.

...for the Respondent No.7.

Affidavit-of-service filed in Court today, be kept with the record.

The prayer for police assistance for construction of the boundary wall in terms of the permission of the panchayat authority, cannot be granted in this writ petition. A civil suit being Title Suit No.261 of 2022 has been filed before the learned Civil Judge (Senior Division), 1st Court at Contai by the respondent no.7 against the petitioners. The suit is for declaration of easementary right and for permanent injunction, in respect of the same plot, on which the boundary wall is to be erected.

As there is a claim for easementary right over the said plot by the respondent no.7 and a suit has been filed, the prayer of the petitioner for necessary orders in support of the boundary wall will now be considered by the civil court.

The petitioner is at liberty to approach before the learned civil court.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)