

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

(Appellate Side)

FMA 1002 of 2021

With

IA CAN 1 of 2019

(Old No. CAN 5167 of 2019)

(Through Video Conference)

Reserved on: 19.01.2022

Pronounced on: 21.01.2022

Smt. Binda Devi Roy

...Appellant

-Vs-

The State of West Bengal & Ors.

...Respondents

Present:-

Mr. Arun Kumar Roy,
Mr. Subrata Biswas, Advocates
... for the Appellant.

**Coram: THE HON'BLE JUSTICE PRAKASH SHRIVASTAVA,
CHIEF JUSTICE**

**THE HON'BLE JUSTICE RAJARSHI BHARADWAJ,
JUDGE**

Prakash Shrivastava, CJ:

1. This appeal is directed against the order of the learned Single Judge dated 22nd February, 2019 whereby WPA 12483 (W) of 2018 has been dismissed.
2. Submission of the learned Counsel for the appellant is that the appellant is the title holder of the land in question and it has also been mutated in her favour and that the private respondents are

obstructing the construction of the boundary wall, therefore, police forces should be provided.

3. Having heard the learned Counsel for the appellant and on perusal of the record, it is noticed that before the learned Single Judge, on the basis of the written instruction, the learned Counsel for the State had pointed out that the appellant's complaint was enquired into by the Block Land and Land Reforms Officer and in the enquiry, it was found that the claim of the appellant for the entire plot of land was not sustained by the land records maintained by the Government.

4. In view of the above report, the learned Single Judge has rightly refused the assistance to the appellant by the police force for constructing the boundary wall over the entire piece of land. Considering the nature of dispute, it has rightly been found that it is a civil dispute between the private parties which needs to be resolved before the appropriate forum. In the circumstances of the case, we do not find any error in the view taken by the learned Single Judge.

5. Hence, no case for interference in the order of the learned Single Judge is made out. The appeal is accordingly dismissed.

(PRAKASH SHRIVASTAVA)
CHIEF JUSTICE

(RAJARSHI BHARADWAJ)
JUDGE

Kolkata
21.01.2022

PA(RB)