

24.04.2023
Court No.13
Item No.9
pk

WPA 7402 of 2023

**Dinabandhu Das Bairagya
Vs.
State of West Bengal and Ors.**

Mrs. Pampa Dey (Dhabal)

... For the Petitioner.

Mr. Nilotpal Chatterjee,
Ms. Amrita Panja Moulick

... For the State.

Mr. Arup Kumar Das

... For the respondent no. 9.

1. Affidavit of service filed in Court is taken on record.
2. The writ petitioner complains that the private respondents are restraining the erections of a boundary wall on his premises. The petitioner runs saw mill thereat with about fifty employees.
3. There is admittedly a title suit being T. S. No.566 of 2021 filed by the petitioner before the learned Civil Judge (Junior Division), 4th Court, Burdwan. The private respondent's application for injunction has been refused.
4. Counsel for the private respondents submits that the property has been preempted by them and purchased in the year 1984.
5. Having regard to the facts and circumstances of the case, this Court is of the view that the petitioner may construct the boundary wall at the said premises subject to the result of the T. S. No. 566 of 2021.

6. The Galsi Police Station may post a police picket to enable the petitioner to construct a boundary wall at the petitioner's cost. The police picket shall be posted for a period of fifteen days. The cost of the police picket shall be intimated to the petitioner and deployment shall take place only after payment.
7. The plot specified in page 13 of the writ petition shall be the place where the boundary wall shall be erected.
8. The report of the Galsi Police Station dated 09.04.2023 is taken on record.
9. The writ petition is disposed of.
10. There will be no order as to costs.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)