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Ct 2023
No24
AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 7941 of 2022

**Sk. Badrul Haque & Ors.
Vs
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri
... For the Petitioners.

Mr. Srinath Singha Roy ... For the State.

Mr. Animesh Das
... For the respondent nos. 5 to 7.

Mr. Ankit Sureka
Mr. Sobhan Majumdar ... for the HMC.

The petitioners complain of illegal construction of boundary wall encroaching the private land of the petitioners.

Learned advocate representing the private respondents submits that the boundary wall has already been constructed upto the permissible height.

As regards the encroachment, a Civil Suit is pending in between the parties before the learned Civil Judge (Junior Division), 6th Court, Howrah being Title Suit No. 138 of 2022.

Upon perusal of the objection filed before the HMC, it appears that primary allegation is regarding encroachment. HMC will not be the appropriate authority to decide upon the civil right of the parties.

Since it has been submitted that the title suit is pending consideration, accordingly, the parties are at liberty to take appropriate steps before the learned Civil Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)