

10.04.2023.
Court No.13
Item No. 369
ap

W.P.A. No. 7065 of 2013
Suresh Gupta
Versus
The State of West Bengal & Ors.

Mr. Biswarup Biswas,
Mr. Kajal Ray.

...For the petitioner.

Mr. Sanatan Panja.

...For the State.

Mr. S.M. Obaidullah.

...For the respondent no.5.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner is aggrieved that the private respondents, who were the defendants in Title Suit No. 89 of 1991 before the learned Additional Court of Munsif at Sealdah are preventing him from constructing and restoring a boundary wall on his premises.

Admittedly, Title Suit No. 89 of 1991 has been decreed by the Civil Court on 21st July, 1994.

An appeal from the said decree being Title Appeal No. 108 of 1994 has been dismissed by the learned Additional District Judge, Sealdah on 30th April, 1996.

The decree is for permanent injunction restraining the defendants/private respondents from destroying his boundary wall.

The boundary wall was damaged during the pendency of the writ petition while the petitioner tried to construct the same, he was continuously obstructed by the private respondents.

The petitioner had taken out proceedings under Section 144 of the Code of Criminal Procedure. In a report submitted by the police in the said proceedings, the illegal conduct of the private respondents has been clearly mentioned. The complicity roles of one Rabin Bose, a member of the ruling party and one Ranjit Roy, President of a local club has been specified by the S.I. Topsia Police Station.

Counsel for the petitioner would rely upon a decision of a Co-ordinate Bench of this Court in the case of ***Kartick Kumar Bhattacharjee – Vs. – The State of West Bengal & Ors.*** reported in ***(2019) 3 Calcutta Law Journal 580***, where protection was ordered in similar circumstances.

In the backdrop of the above facts and given a clear entitlement of the petitioner, this Court directs Topsia Police Station to post a police picket at the premises at the cost of the petitioner, comprising of atleast five constables. The picket shall be posted to enable the petitioner to reconstruct the boundary wall on his premises.

Topsia Police Station shall be responsible for the law and order and shall ensure that there is absolutely no breach of peace or any interference by any person

while the petitioner is reconstructing his boundary wall. The cost of police picket shall be communicated to the petitioner by Topsia Police Station. Deployment of such police picket shall take place after payment of costs.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)