

296 22.09.2023
NB Ct. 14

WPA 8803 of 2023

Chittaranjan Das & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal),
Mr. Nikhil Kr. Gupta.
...for the petitioners.

Md. Galib, Id. SGA,
Mr. Gourav Das..
...for the State.

Mr. Jaydip Basu,
Mr. Kaustav Chatterjee.
...for the respondent no.8.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits that due to Amphan storm of May, 2020, the petitioners' boundary wall had fallen off. He wanted to repair the same, but the adjacent landowners are disturbing in this regard.

Learned counsel appearing on behalf of the private respondents submits that it is a boundary wall which belongs to the private respondents and the petitioners are trying to encroach their property in the garb of repairing the boundary wall.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. According to the report of the Revenue Inspector of the Office of the Block Land & Land Reforms Officer, Bally-Jagacha, the boundary wall belonged to Feluram Maity, the respondent no.8 herein. After physical

enquiry, it came to light that the petitioners were in absolute possession of the property in question. According to the local people, due to super cyclone storm Amphan, the boundary wall got seriously affected. A partly broken boundary wall was found slanted towards the property of the petitioner, at least six feet inside his property.

At this stage, learned counsel for the private respondents submits that the damaged portion of the boundary wall shall be removed by the private respondents at their own cost. The damaged part of the boundary wall shall also be re-erected at the cost of the private respondents, within a period of four weeks from this date.

Since the grievances of the petitioners have already been redressed, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

Since affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.

With these observations, the writ petition is disposed of without any costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

