

WPA 14745 of 2023

Nandini Khan

-vs-

The State of West Bengal & ors.

Ms. Sulekha Mitra

Mr. Manas Kumar Das

...for the petitioner

Mr. Shuvro P. Lahiri

Mr. Rajesh Naskar

Mr. Md. Jannat Ul Firdous

Mr. Soumava Santra

...for the respondent nos. 7 to 16

Mr. Sougata Mittra

Mr. Subhadeep Maitra

...for the Purulia Municipality

Mr. Wasim Ahmed

Mr. Md. Shehaboddin

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner purchased the property in question and wants to build a boundary wall surrounding it. The private respondents are rank outsiders who are disturbing the peaceful possession and enjoyment of the property by the petitioner. In fact, they filed a Title Suit in this regard, but failed to obtain any injunction.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that a civil suit is pending in this regard. The private respondents claim ownership to the said property.

Learned counsel appearing on behalf of the State submits that the police have acted on the complaint filed by the petitioner and initiated a proceeding under Section 107 of the Code.

It appears that there is a civil suit pending between the parties.

If any of the parties wants to establish any further right in respect of it, the same has to be done before a competent Civil Court.

In fact, it appears that a civil suit is pending. But, the private respondents were not granted an order of injunction.

It is legitimate wish of owners/occupiers of property to have the said property protected by putting a boundary wall. Unless a Civil Court's order puts a bar on such activity, the petitioner shall be at liberty to construct such a boundary wall.

It further appears that the police authorities have taken steps on the complaint of the petitioner by initiating a proceeding under Section 107 of the Code of Criminal Procedure.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)

