

27.07.2023
Item No. 27
BR

WPA 16210 of 2023

Nil Ratan Chakraborty & anr.
-VS
State of West Bengal & Ors.

Mr. Chandan Mishra,
Ms. Sharda Sha

.... For the petitioner

Mr. Suman Sengupta,
Mr. Dip Jyoti Chakraborty
... for the State

Leave is granted to amend the
cause title.

This is an application under
Article 226 of the Constitution of India
thereby praying for direction upon the
respondent nos. 2,3 and 4 to stop the
illegal activities of the private
respondent nos. 5, 6 and 7 and their
associates and to remove all blockage,
obstruction created by the local
antisocial elements enabling the
petitioner to construct a boundary wall
over his land.

Affidavit of service along with the returned envelopes filed on behalf of the petitioner is taken on record. It appears from the returned envelopes that two of the private respondents refused to accept service of notice. This amounts to good service. The third respondent was absent without intimation.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has a shop room and some land behind the said shop. He wants to cover the land with a boundary wall in order to protect the same. However, the local antisocials are preventing him from doing so. They are causing obstructions and blockages at the said property. The petitioner has sought police help for construction of the wall, but no steps have been by the respondent authorities.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner a proceeding was initiated under Section 107 of the

Code. The rest of the grievance is primarily a civil dispute.

I have heard learned counsels for the parties and have perused the writ petition and the report filed by the State.

It appears that the respondent police authorities have already taken steps by initiating a proceeding under Section 107 of the Code in this regard.

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

The petitioners shall be at liberty to pray for demarcation of land with the help of concerned BL and LRO and proceed in accordance with law, if they want to construct boundary wall.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)