

**27.07.2023**  
**Item No. 44**  
**BR**

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**WPA 17114 of 2023**

**Bijay Lakshmi Debnath**  
**-vs**  
**State of West Bengal & Ors.**

**Mr. Avirup Chatterjee**  
**.... For the petitioner**

**Mr. Subhasis Bandopadhyay ,**  
**... for the Municipality**

**Mr. Jayanta Samanta,**  
**Ms. Mita Bag .... For the State**

This is an applicatopm under Article 226 of the Constitution of India praying for direction upon the respondent authorities, especially, the respondent nos. 2 and 3 to submit a report for failure to take steps to protect the legitimate rights of the petitioner and asking them to take immediate steps to set up a police picket at the property of the petitioner situate at Mouza-Ichalbad, J.L. No. 75, L.R. Dag No. 1933 under LR Dag No. 1933, under LR Khaitan No. 853/1,968/21, Block-Burdwan –I, District- Purba Burdwan.

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Affidavit of service filed by the petitioner is also taken on record.

Learned counsel appearing on behalf of the State files a report, which is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. However, due to paucity of funds, she could not repair the boundary wall of such property since 1993. Of late, she has collected such funds and has tried to repair the boundary wall. But she was prevented by some local hooligans from doing so. She approached the police authorities as well as the municipal authorities, but no steps were taken by them.

Learned counsel for the State submits as follows. The land in question was allowed to lie in an unused condition for a very long time. It appears from the photographs that garbage had been thrown into such pond.

Learned counsel appearing on behalf of the Municipal authorities submits that no application has been made before the authorities for any relief.

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I have heard learned counsels appearing for the parties and have perused the writ petition.

It is for the petitioner herself to take steps to protect her property or further build a boundary wall. She has not even lodged any complaint alleging wrong doing by any particular person.

If she is the owner of the land and the same is not disputed then there is no reason why she cannot construct a boundary wall on the same..

No further order need be passed on this application.

However, the police shall maintain strict vigil at the locale and ensure that no breach of peace takes place.

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. )