

18.10.2023
Item No.31
gd/ssd

MAT/1379/2023
IA NO: CAN/1/2023
DILIP KUMAR BAG AND ORS.
VS
BALAJI PRASAD PAL AND ORS.

Mr. Sekhar Pal,
Mr. Mobakshar Islam
..for the Appellants.

Ms. Pampa Dey Dhabal,
Mr. Krishna Deo Das
..for the Respondent No.1.

1. This intra court appeal is directed against the order passed on 22nd June, 2023 in a writ petition filed by the private respondents in this appeal.

2. The writ court noted that based on a complaint given by the writ petitioner FIR has been lodged by the Kolaghat Police Station in FIR No. 200 of 2023 dated 16.04.2023.

3. After noting the same, the learned writ court has directed deployment of police picket to enable the writ petitioner to repair and restore the boundary wall at his cost.

4. This direction, in our view, will be beyond the jurisdiction of the writ court since it is a disputed question of fact as to whether the boundary wall is within the property owned by the writ petitioner or otherwise.

5. Therefore, that portion of the order is set aside and liberty is granted to both parties to approach the civil court for necessary relief.

6. For the above observations, this appeal is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)