

30 31.08.2023
NB Ct. 14

WPA 18844 of 2023

Shamanaz Anr.
Vs.
The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyay,
Mr. Dinesh Pani.
...for the petitioner.

Mr. Somnath Ganguli Id. AGP,
Ms. Sukalpa Seal.
....for the State.

Mr. Moni Sankar Chattopadhyay,
Ms. Munmun Biswas.
...for the respondent nos.8.

Affidavit of service filed on behalf of the petitioners is taken on record.

A copy of the order dated 25.07.2022 passed in WPA 9534 of 2021, as filed on behalf of the respondent no.6, is also taken on record.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.2 is the owner of the property in question. For sometime, the private respondents had been creating trouble in respect of anything that the petitioners would do at their own residence. They had been harassing and intimidating the petitioners for no reason. Now, the petitioners want to repair certain portions of their won house. But the private respondents are trying to prevent the petitioners from doing so. This was brought to the notice of the local police authorities, but no help has been rendered.

Learned counsel appearing on behalf of the private respondent no.6 submits as follows. The allegations made in the writ petition are denied. The petitioner no.2 earlier tried to demolish a portion of the construction put up by the respondent no.6 at her own premises. However, this Court disposed of the writ petition by directing the concerned authorities to look into the matter and thereafter decide the issue. Now the petitioners are employing a different ploy to achieve the same objective to interfere with the possession of the respondent's property. If the petitioners want on to do repair work in their own building, the private respondents cannot have any objection.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the recent complaint of the petitioners, the police have already instituted a proceeding under Section 107 of the Code. The police are keeping a close watch in the locality.

It appears that there is some kind of dispute between two adjoining landowners.

However, if the petitioners are required to do repair work in their own house, they cannot be relegated either to the civil Court or to the Panchayat for necessary permissions. They shall be at liberty to undertake minor repair works for which no permission is required from the Panchayat.

The respondent no.6 has also assured that if the petitioners are doing repairing works in their building, the respondent no.6 has no right to object.

Either of the parties shall not enter into the premises of the other.

The police have also taken steps on the complaint of the petitioner by initiating a proceeding under Section 107 of the Code.

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

The respondent authorities shall keep a sharp 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 may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)