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03.10.
2023
Ct. No.14

WPA 21640 of 2023

**Safatulla Molla & Ors.
Vs
The State of W. B. & Ors.**

**Md. Mansoor Alam
.....For the Petitioners
Mr. Saikat Chatterjee
Ms. Arpita Mondal
.....For the State
Mr. Pinaki Bhattacharyya
Mr. Amartya Mohan Bhattacharyya
.....For the Respondent No.5**

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the land in question. The petitioners want to fix a gate for their property to which the private respondents are objecting. In respect of constructing boundary wall for another property, a civil suit was filed as the private respondents objected to the said construction as well. However, this land exclusively belongs to the present petitioners. In spite of bringing it to the notice of the police, no help was rendered.

Learned counsel appearing on behalf of the private respondents submits as follows. The

allegations made in writ petition are denied. There is a civil suit pending. It relates to the present property as well. The private respondents are trying to create obstruction to the repair of the boundary wall for which complaint was lodged before the appropriate authority.

Learned counsel appearing on behalf of the States relies on the report and submits as follows. A civil dispute exists between the private parties. On the complaints of the petitioners the matter was enquired by the Officers of Nadial PS and in this regard a specific case Vide Nadial PS Case no. 36 dt. 01.03.2023 under Section 204A West Bengal Municipal Act-1993 and 17A Inland Fisheries Act and 4D of W.B.L.R.Act-1995 was initiated against the petitioners.

It appears that a civil dispute exists between the private parties.

However, on the complaint of the petitioners the police authorities have already taken steps by registering a specific FIR.

No further order need be passed in this regard.

The police shall maintain a sharp vigil at the locale, ensure that no breach of peace takes place and also see to it that no order of civil court is violated.

If any untoward incident occurs or is

apprehended by the petitioners, they shall be at liberty to inform the local police authorities who shall act in accordance with law.

However, if the petitioners want to fix a gate in their property and the same does not violate any law, they shall be at liberty to do so.

With these observations, the writ application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)