

11.07.2024
Ct. No. 14
Sl. No.18
AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 10843 of 2024

**Sambhu Adhikari
Vs.
The State of West Bengal & Ors.**

Mr. Rajib Kumar Basu.
... For the petitioner.

Mr. K. J. Yusuf.
Mr. Saurav Chaudhury.
... For the State.

Mr. Sajal Kanti Bhattacharya.
Mr. Sarthak Burman.
... for the respondent nos. 4 to 6.

The petitioner complains that the police are not taking steps in response to the complaint filed against the private respondents in restricting them from repairing their own house.

Learned advocate representing the private respondents submits, upon instruction that, the petitioner is trying to raise construction by encroaching upon the private land of the private respondents. The land in question has been partitioned by way of a registered deed of partition.

Whether the construction or repair work is being made in the right place as per the deed of partition or not is to be adjudicated by a competent civil Court.

It will not be proper for the police to enter into and adjudicate any private dispute in between the private parties.

To maintain law and order, the police have already submitted prosecution under Section 107 /116 (C) Cr.P.C. against the private respondents vide Sheoraphuli TOP NCR No. 116 of 2024 dated 18.02.2024.

The parties are at liberty to approach the competent civil Court for relief.

The police shall ensure that there is no breach of peace at the locale and law and order is strictly maintained.

The writ petition stands **disposed of**.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)