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30.09.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 11038 of 2024

Md. Raza alias Md. Reza
Vs.
The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay,
Mr. Arjun Samanta,
Ms. T. Mancherji
...for the petitioner

Mr. Anirban Roy,
Mr. Suman Sengupta,
Mr. D. Ghosh
...for the State

Mr. Javed K. Sanwarwala,
Mr. Shariq A. Sanwarwala,
Mr. Sadaf Aafrin
...for the private respondents

The petitioner alleges that the private respondents herein are creating disturbances while the petitioner is making an attempt to repair the boundary wall and the shutters at the entrance of the premises, being no. 81/ID, Topsia Road under the Tiljala Police Station. The petitioner further alleges that the private respondents herein are breaking portions of the boundary wall and shutters with the sole intention to grab/capture his property. The petitioner alleges that the property is becoming unprotected with such broken boundary wall.

After going through the said complaint it appears that the boundary wall is broken at some places.

The learned Advocate for the private respondents submits that there is no existence of any boundary wall.

The Learned Advocate appearing for the State submits that there is a serious dispute with regard to title between the petitioner and the private respondents. There are complaints and counter-complaints made by each other. He further submits that First Information Reports have been registered and charge sheet has already been filed in respect of the complaint of the petitioner and the counter-complaint of the private respondents.

It appears that the police authorities have taken steps on the basis of the complaints made by the rival parties. The issue as to whether there is existence of any boundary wall encircling the premises is a disputed question of fact, which cannot be decided in this writ petition. Since the existence of the boundary wall is in dispute, no order granting police protection for repairing of the said boundary wall can be passed. The petitioner is left free to approach the proper forum for appropriate reliefs.

After this order was dictated, Mr. Chattopadhyay, learned Advocate for the petitioner

submits that the police authorities should be directed to maintain peace and tranquility at the locale.

The Officer-in-Charge, Tiljala Police Station, being the fourth respondent herein, is directed to see that no breach of peace takes place in the locale.

With the above observations and directions, this writ petition stands disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)