

08.10.2024
Sl. No. 01
g.b.
Court No.07

W.P.A. 11122 of 2024

Sri Ram Shaw & Anr.
-Vs-
The State of W. B. & Ors.
(Assigned)

Mr. Nitai Ch. Saha
Ms. Poulami Majumder
Mr. Abhijit Ch. Majumder
.....For the Petitioners
Mr. Biswabrata Basu Mallick
Mr. Biman Halder
.....For the State

The petitioners claim to the owners of plot of land being R. S. Dag No. 565/1182, Holding No. B4-55/New Shibrampur Road, Ward No. 12 of Maheshtala Municipality.

The petitioners allege that the private respondents herein are creating disturbances while the petitioners attempted to construct a boundary wall encircling his property.

The learned advocate appearing for the petitioners submits that the private respondents herein are trying to encroach upon the property of the petitioners forcibly. He further submits that protection of boundary wall is necessary for the purpose of protecting the property from encroachment by the outsiders.

Mr. Basu Mallick, learned advocate appears for the State and files a report of the Inspector-in-charge, Maheshtala Police Station dated 8th August, 2024 which is taken on record.

Since the petitioners allege that the private respondents herein are trying to encroach upon their property, the petitioners are left free to approach the civil court of competent jurisdiction for appropriate reliefs in that regard. Writ Court cannot pass an order restraining a

private party from encroaching upon an immovable property. Such a dispute is purely civil in nature.

That apart, the police authorities are not vested with the power to decide on the issue of the boundary line of an immovable property.

Therefore, this court is not inclined to pass any direction upon the police authorities to render assistance to the petitioners for the purpose of construction of a boundary wall.

The Officer-in-charge, Maheshtala Police Station being the 3rd respondent is directed to ensure that no breach of peace takes place at the locale.

With the above observation and direction, the writ petition stands disposed of.

There shall be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)