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10.05.2024
ssi
Ct 14

WPA 10770 of 2023

Anutosh Bhakta & ors.
-vs-
The State of West Bengal & ors.

Mr. Bhaskar Chandra Manna
...for the petitioners
Mr. Tarak Karan
..for the State
Mr. S. Das
...for the respondent nos.7, 8

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners and residents of a multi storied building. They have constructed a boundary wall to protect their property. But, the private respondents illegally demolished the southern side of the boundary. In the meantime, a proceeding came to be pending before the Municipal Authorities regarding the dispute over the boundary wall between two properties. This was brought to the notice of the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the private respondent nos. 7 and 8 denies the allegations and submits as follows. There is a dispute regarding the boundary between the petitioners' property and the property belonging to the private respondents. An attempt was made by the petitioners to construct a boundary wall, which was objected

to. However, no construction came up that was allegedly destroyed. The private respondents approached the Municipal Authorities for appropriate orders in this regard. The proceeding is still pending.

Learned counsel appearing on behalf of the State submits that it is a property dispute between two sets of individuals. Police has nothing to do in this.

It appears that the dispute over the boundary land between the two properties is being looked into by the Municipal Authorities.

If any of the parties wants to establish any further right in respect of such land, it is either to be agitated before the Civil Court or to be decided, if possible, by the Municipal Authorities. Thus, clearly this is not a case of police inaction.

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

However, the police 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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)