

Item No.14

20.06.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14172 of 2023
Bipul Das
v.
The State of West Bengal & Ors.

Mr. Debasish Chattopadhyay
Mr. Loknath Paul
Mr. Tirthankar Basu
... for the petitioner.

Mr. Md. Galib
Mr. Gourav Das
... for the State.

The grievance of the petitioner is that the police is restraining the petitioner from constructing boundary wall over a property which the petitioner purchased upon payment of valuable consideration.

Learned advocate representing the State respondents has obtained instruction from the Officer-in-Charge, Halisahar Police Station signed on June 26, 2023. It appears therefrom that the place where the petitioner intends to construct a boundary wall was sub judice in a civil suit for partition being TS. No. 563 of 1998.

The petitioner submits that the said suit has been decreed and the petitioner purchased the property from the heirs of one of the decree-holders Purabi Ghosh (since deceased).

Though, the learned advocate for the petitioner submits that the suit has been decreed in final form but there is nothing on record to suggest that the demarcation has been made. Till the joint property is partitioned by metes and bounds and demarcation made, it will not be possible to identify the place where the boundary wall may be constructed. In the absence of proper demarcation it will not be proper for the writ Court to permit construction of boundary wall.

The police ought not to meddle in private disputes in between the parties.

It will be open for the petitioner to approach the competent forum for relief, if so advised.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

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

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(Amrita Sinha, J.)