

07.08.2024

WPA 19449 of 2024

**Sabitri Roy
Vs.
The State of West Bengal & Ors.**

Mr. Niladri Sekhar Ghosh
Mr. Sourav Mandal

... .. for the petitioner

Mr. Himadri Sikhar Chakraborty

... .. for the State

Learned counsel appearing for the petitioner submits that one Chandana Ray Goldar is the owner of a property and the petitioner resides with her daughter Chandana Ray Goldar in the same property, but the respondent nos.8 to 13 are trying to erect/construct a boundary wall illegally by cutting down trees over the property of the petitioner's daughter. A civil suit being T.S. No.402 of 2015 has been filed before the learned Civil Judge, Junior Division, 1st Court, Barasat, North 24-Parganas and the learned Civil Judge was pleased to pass a direction that the defendants are restrained from constructing a pucca wall and/or from changing the nature and character of the B schedule property as well as from cutting the fruit bearing trees and causing damage upon the same till the disposal of the instant suit.

Learned counsel further submits that in spite of such order from the learned Civil Judge, Junior Division, 1st Court, Barasat, North 24-Parganas, the Inspector-in-

Charge, Deganga Police Station, SH-2, Kaliani, P.O.- Ramnathpur, District – North 24 Parganas instead of following direction of the learned Civil Judge has assisted the private respondent nos.8 and 13 with the illegal construction.

Learned counsel appearing for the State files a report and submits that the Inspector-in-Charge, Deganga Police Station, SH-2, Kaliani, P.O.- Ramnathpur, District – North 24 Parganas, being the respondent no.7 in the instant application is carrying out the order as directed by the learned Civil Judge, Junior Division, 1st Court, Barasat, North 24-Parganas in totality and is also keeping a sharp vigil at the locale.

Let the report filed by the State be kept with the record.

Heard learned counsels appearing for the parties at length, perused the application and the report filed by the State.

Page 40 of the writ petition is a complaint made before the Inspector-in-Charge, Deganga Police Station, being the respondent no.7 in the instant application who shall execute the direction as passed by the learned Civil Judge, Junior Division, 1st Court, Barasat, North 24-Parganas and shall also keep a sharp vigil at the locale and ensure that no harm is caused to the petitioner or her daughter and her property.

The Writ Petition being WPA 19449 of 2024 is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)