

1247 30.04.2024
NB Ct. 14

WPA 19154 of 2022

Md. Abdur Razzak & Ors.
Vs.
The State of West Bengal & Ors.

Md. Younush Mondal.
...for the petitioners.

Mr. Sudipto Panda,
Mr. Subrata Ghosh.
...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

Despite service, no one appears on behalf of the private respondents.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the property in question. Their names have been recorded in the record of rights. The petitioners have also obtained sanctioned plan from the Panchayat to put a boundary wall surrounding the land. The land had been demarcated as well. In spite of these, the private respondents who are the neighbours of the petitioners are disturbing the possession of the property by the petitioners and are preventing the petitioners from erecting the boundary wall. This was brought to the notice of the police, but no steps were taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The dispute is purely civil in nature. However, on the allegations made by the petitioners, a proceeding was initiated under Section 107 of the Code. A report has also been filed in the proceeding initiated under Section 144 of the Code. The police are ready to render any assistance if the petitioners want to erect the boundary wall on the land as per law.

It is the case of the petitioners that they have already obtained sanctioned plan from the Panchayat for constructing a boundary wall. The land has also been demarcated. Therefore, there should not be any impediment upon the petitioners from constructing the boundary wall to protect their land.

In the event the petitioners want to construct such boundary wall and needs police help, they shall be at liberty to make a prayer for police assistance at their cost before the Inspector-in-Charge of Deganga Police Station. If such an application is made, the same shall be considered expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)