

01.10.2024
Item No.128
Ct. No.35
dc.

W.P.A. 20275 of 2024

Pawan Kumar Sharma & Ors.
versus
The State of West Bengal & Ors.

Mr. Sougata Mitra,
Ms. Soma Chakraborty,
Mr. Subhadeep Maitra ... For the Petitioners.

Mr. Joydip Banerjee,
Ms. Rupsha Chakraborty ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The said report reflects that earlier Tamna PS Case No. 111 of 2023 dated 06.08.2023 was registered for investigation and subsequently on 31.08.2023, charge-sheet was submitted before the jurisdictional court for trespass, wrongful restraint, mischief and hurt.

The petitioners are aggrieved by the fact that they are not allowed by the private respondents to construct their boundary wall. The petitioners pray for police protection.

The petitioners would approach the appropriate civil forum for first ascertaining regarding the boundary of the property and if, the civil court finds there is no encroachment and the petitioners are the absolute owner of the property, the civil court will arrive at its finding and if, required pass necessary directions upon the police

authorities which the police authorities would respect and honour. For the time being, I do not find any reason to pass any direction upon the police authorities except to see that there is no breach of peace at the subject-matter of property in dispute so far as the law and order is concerned.

With the aforesaid observations, the writ petition being WPA 20275 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There shall be no order as to costs.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)