

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 20392 of 2023

Mintu Poyali and Anr.
-versus
The State of West Bengal & Ors.

Ms. Debolina Sarkar
Mr. Rajnil Mukherjee
Ms. Satabdi Dey
Mr. Subham Das ...for the petitioners

Mr. K.N. Nabi
Mr. Ritoban Sarkar ...for the State

Mr. Arijit Gupta ... for respondent nos. 6 to 8.

The petitioners complain of illegal and unauthorized construction of boundary wall at the behest of the private respondents. It has been submitted that the construction has been made in such a manner that the right to free ingress and egress to the petitioners' property has been blocked.

None represents the private respondents.

On a perusal of the objection filed before the gram panchayat it appears that the same was submitted in April 2022 with reminder in February 2023. The construction in question is over by now.

The petitioners ought to have approached the competent civil forum at the very first instance when the right to way of the petitioners was being infringed. It is too late in the day to

pass any order for demolition of the boundary wall which has been raised upto a particular height.

The parties ought to approach the Civil Court for relief.

The writ petition stands dismissed.

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

(Amrita Sinha, J.)