

27.09.2024
Item No.72
gd/ssd

WPA/22363/2024
SOMNATH GHOSH
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sauradeep Dutta
..for the Petitioner.

Mr. Vimal Sahi,
Ms. Sangeeta Roy
..for the State.

The petitioner alleges that the private respondents have started constructing a boundary wall by encroaching upon the property of the petitioner. The petitioner has filed this writ petition praying for issuance of a writ directing the respondent nos.4 to 6 not to encroach upon the property of the petitioner and also not to create disturbance, obstruction and hindrance in the peaceful possession of the property of the petitioner. The petitioner has prayed for a direction upon the police authorities to demolish the boundary wall constructed illegally.

Since it has been admitted by the petitioner that the private respondents have constructed a boundary wall by encroaching upon a portion of the property of the petitioner, the appropriate remedy of the petitioner lies before the Civil Court of competent

jurisdiction. The writ court cannot pass an order of injunction restraining a private party from creating any obstruction in the peaceful possession of the property of the petitioner.

The petitioner will be at liberty to approach the Civil Court for appropriate reliefs.

With the above observation, the writ petition stands disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)