

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 23422 of 2024

Sri Subir Moshat & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Supratic Roy,
Mr. Shuvajit Ray
...for the petitioners

Mr. Rajarshi Basu,
Mr. Ananda Dulal Sarkar
...for the State

The petitioners approached this Court praying for police assistance to enable the petitioner to construct a boundary wall and/or put up a fencing encircling the property of the petitioners. The petitioners claim to be the owners of several plots which have been recorded in L.R. Khatian Nos. 2885, 2886 and 2888, within Mouza - Manikpara under Police Station-Jhargram.

The petitioners allege that the private respondents herein are creating disturbances while the petitioners attempted to construct a boundary wall encircling their property. The learned counsel for the petitioners submits that the construction of a boundary wall is necessary for protecting the property of the petitioners from encroachment by the outsiders.

The learned Advocate appearing for the State submits that the petitioners have lodged two complaints with the police authorities and the respondent police authorities have taken steps pursuant to the complaints lodged by the petitioners. The learned counsel for the State files the report of the Sub Inspector of police, Manikpara Beat House, under Jhargram Police Station, which is taken on record.

It appears from the said report that pursuant to the complaints lodged by the petitioners, Jhargram P.S. Case No. 251 of 2023, dated September 08, 2023 was registered and charge sheet being Jhargram P.S. Charge Sheet No. 275 of 2023, dated October 31, 2023 has been submitted. In respect of the other complaints, the police authorities have registered a First Information Report, being Jhargram P.S. Case No. 08 of 2024 dated January 07, 2024 and after completion of investigation, Charge Sheet being Jhargram P.S. Charge Sheet No. 36 of 2024, dated February 07, 2024 has also been submitted. Therefore, it appears that the police authorities have taken steps pursuant to the complaints lodged by the petitioners.

Insofar as the relief claimed by the petitioners with regard to the construction of boundary wall is concerned, this Court is of the considered view that

the police authorities have not been vested with the power to decide on the issue of the physical boundary line of an immovable property.

In view thereof, the petitioners have failed to make out any case of police inaction insofar as the construction of boundary wall is concerned.

The petitioners are left free to approach the proper forum for appropriate reliefs, in case the petitioners are being resisted by any private party from raising construction of a boundary wall encircling their property.

The Officer-in-Charge, Jhargram Police Station, is directed to see that no breach of peace takes place at the locale.

With the above observations and directions, this writ petition stands disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)