

25.11.2024

Item No.71

Ct. No.35

dc.

W.P.A. 24112 of 2023

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CAN 1 of 2024

Bilash Sharma & Anr.

versus

**The Home Secretary, Department of Home
and Hill Affairs & Ors.**

Mr. Koushik Roy ... For the Petitioners.

Mr. Dwarikanath Mukherjee,
Mr. Janardan Mondal ... For the State.

Mr. Yashraj Roy,
Ms. Monalisa Maity,
Ms. Swapna Paul ... For the Respondent Nos. 5 to 8.

Affidavit-in-reply and exception to the report
of the Officer-in-Charge filed on behalf of the
petitioners be kept with the record.

Report dated 12.11.2024 submitted by the
learned advocate appearing for the State be also
kept with the record.

The petitioners have taken out an application
being CAN 1 of 2024 praying herein for an
injunction restraining the private respondents for
obstruction to raise the boundary wall of the
petitioners and not to use the petitioners' land in
any way along with a direction upon the police
authorities for sharp vigil of the petitioners' land
area.

In the original writ petition, the prayer of the
petitioners is also for assistance by the police
authorities for construction of boundary wall. The

report submitted by the police authorities is perfect that the nature of dispute complained of for construction of boundary wall is absolutely civil in nature.

Having considered both the prayers in the main writ petition as well as in the connected application, I am of the opinion that the prayers so advanced are for the purposes of circumventing the jurisdiction of the appropriate jurisdictional civil court.

Accordingly, the writ petition being WPA 24112 of 2023 along with CAN 1 of 2024 is dismissed.

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.)