

D/L53
29.11.2024
Bpg.
ct.no.35

W.P.A.25461 of 2022

**Sabina Mallick
Versus
The State of West Bengal & Ors.**

Mr. Ziaul Haque
Mr. Himadri Kumar Mahata.
...for the petitioner.

Mr. Ranjit Rajak.
...for the State-respondents.

Mr. Gazi Faruque Hossain
Ms. Varsha Roy.
...for the respondent nos.4 to 7.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that she is
not being allowed to construct/raise her boundary
wall. To that effect, petitioner complained before the
police authorities and prayed for necessary police
assistance to resist the private respondent nos.4 to 7
from raising any obstruction or hindrance.

Learned advocate for the State has submitted
a report. Report reflects that pursuant to the
complaint so lodged, Dhaniakhali P.S. Case No.136 of
2022 and Dhaniakhali P.S. Case No.155 of 2022 have
been registered for investigation and on conclusion
charge-sheet has also been submitted before the

jurisdictional court. The police authorities have also drawn up proceedings under Sections 107/116 of the Code of Criminal Procedure.

Learned advocate for the private respondent nos.4 to 7 submits that the dispute is absolutely civil in nature as the property complained of is undivided joint property.

In view of the submissions advanced by the petitioner and the private respondent nos.4 to 7, I am of the view that the parties would approach the jurisdictional civil court for appropriate remedies. So far as the steps taken by the police authorities are concerned, the same is in consonance with law. If there are changed circumstances which aggravates the situation, the police authorities would forthwith take steps for preventing any untoward incident or any breach of the peace or tranquility in the area.

With the aforesaid observations, WPA 25461 of 2022 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

Copies of the report be handed over to both the parties.

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

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

(Tirthankar Ghosh, J.)