

WPA 25683 of 2023

Sailen Meur & anr.

-vs-

State of W.B. & ors..

Mr. Sandipan Das

Mr. Badrul Karim

Mr. Indranil Munsi

....for the petitioners

Mr. Sandipan Banerjee

Mr. Ankit Sureka

...for the Howrah Municipal Corporation

Mr. Asish Kumnar Guha

Mr. Rajendra Chaturvedi

...for the State

Learned counsel appearing on behalf of the petitioner submits that the petitioner wants to protect his possession of the property by constructing a boundary wall. This is being resisted by the locals.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits that the vacant land measuring about 1 acre consists of three Dag Nos. 37, 37/1180 & 37/1181 respectively. Out of the three Dags, Dag No. 37 is vested. The other two Dags are recorded in private names. The petitioners claim that they are not getting proper possession in respect of the said land.

Learned counsel appearing on behalf of the Howrah Municipal Corporation submits that a representation has been made by the petitioner, *inter alia*, praying for permission to put a boundary wall.

It appears that one of the three plots is a vested one. So there is a question of putting of a boundary wall there. So far as the other plots of land are concerned, it will be for the Howrah Municipal Corporation to decide the petitioners' representation whether they would be entitled to put up a boundary wall or not.

Therefore, in the strict sense, no case of police inaction is made out.

Accordingly, the writ petition is disposed of by directing the Howrah Municipal Corporation to decide the representation of the petitioner dated 04.10.2023 expeditiously and in accordance with law.

In the meantime, the police authorities shall keep a close watch at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)