

D/L21
09.12.2024
Bpg.
ct.no.35

W.P.A.28888 of 2024

**Balaji Prasad Pal
Versus
The State of West Bengal & Ors.**

Ms. Pampa Dey Dhabal
Ms. Sangita Banerjee.
...for the petitioner.

Mr. K.J. Yusuf
Ms. Munmun Ganguly.
...for the State-respondents.

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

Petitioner is aggrieved by the fact that in spite of approaching the learned Executive Magistrate repeatedly, no action has been taken and the very purpose of the petitioner is for repairing the boundary wall which has been broken is being frustated.

Learned advocate for the State has submitted a report. Let the report be kept with the record.

An order under Section 144(2) of the Cr.P.C. is in existence for a period of 60 days. The said provision has been incorporated by the legislature with the object of maintaining public peace and order and do not have any implication in case of disputes which are private and personal in nature. In case

petitioner is facing any difficulty for repairing or renovating the boundary wall which is already in existence, petitioner would be at liberty to approach the jurisdictional civil court, if the jurisdictional civil court is of the opinion that necessary orders be passed, then in those circumstances, the aid of the police authorities will come in question.

For the time being, I do not find any merits of the case. However, having regard to the fact that both the parties are at loggerhead, police authorities would keep a strict vigil and ensure that no untoward incident takes place because of inimical relationship between the parties.

With the aforesaid observations, WPA 28888 of 2024 is disposed of.

There will be no order as to costs.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)