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20.12.2024
Ct. No. 35
(ARPAN)

W.P.A. 29798 of 2024

**Dulal Chandra Payra
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Banerjee
Ms. Keya Nag

...for the Petitioner

Mr. Suman Ghosh
Mr. Sankha Prasad Roy

...for the State

Petitioner is aggrieved by the fact that the land which he has purchased has caused deterrent to the brother of the private respondent *i.e.* respondent no.6 who is restraining the petitioner from enjoying his property. Petitioner complains that his crops is being harvested by respondent no.6 and in spite of informing the police authorities no action has been taken.

Mr. Ghosh, learned senior Government advocate appearing on behalf of the State submits a report. According to him, the present issue is regarding fencing and/ or construction of a boundary wall which has nothing to do with cultivation and/ or harvesting.

In view of the nature of allegations which have been made against respondent no.6, I am of the opinion that the proper authority would be B.L & L.R.O or the

D.L & L.R.O. So far as the subject matter of construction is concerned, the Civil Court would be the proper forum for deciding such dispute. In case any of the aforesaid authorities direct the police authorities to act in a particular manner, in that case police authorities would respect and obey such orders. In the meantime, as the police authorities had been keeping a strict vigil they would continue to keep a strict vigil and ensure that no breach of the peace and tranquility takes place.

With the aforesaid observations, WPA No.29798 of 2024 is disposed of.

Report so submitted be kept with the record.

Copy of the report be handed over to the petitioner.

Parties to act on a server copy of this order duly collected 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.)