

31.01.2025

Item No.59

Ct. No.35

dc.

W.P.A. 872 of 2025

**Utpal Sutradhar
versus
The State of West Bengal & Ors.**

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De ... For the Petitioner.

Mr. Biswabrata Basu Mallick, AGP.,
Mr. Biman Halder ... For the State.

Mr. Vishak Bhattacharya,
Ms. Biyanka Bhattacharya ... For the Respondent No.8.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and the respondent no.8.

The petitioner is aggrieved by the fact that he is being restrained from constructing his boundary wall and on the other hand, the private respondent no.8 is constructing his boundary wall. The petitioner contends that he is in possession of a part of the property which is not partitioned and there are other co-sharers in respect of whole of the property.

Learned advocate appearing for the private respondent no.8 submits that so far as the construction relating to the boundary wall is concerned, the respondent no.8 has no intention to construct the boundary wall.

State has submitted a report which reflects that a title suit being T.S. No. 473/2024 (Profullo Saha Vs. Utpal Sutradhar & 18 others) is pending before the learned Civil Judge (Sr. Division), Rampurhat, Birbhum. Since the dispute and difference between the petitioner and the respondent no.8 relates to demarcation issue relating to boundary line, the same can be settled by the civil court which is already in seisin of the matter. It is reiterated that the civil court would decide the issues regarding right, title, interest, possession and boundary demarcation of the property in question and this Court will not enter into the said domain. As such, both the parties if they intend to construct or erect any boundary wall or demarcation of the property, they would take the leave of the civil court which is already in seisin of the matter.

In the meantime, police authorities would keep a strict vigil and ensure that no breach of the peace or tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the petitioner and the private respondent no.8.

With the aforesaid observations, the writ petition being WPA 872 of 2025 is disposed of.

There will be no order as to costs.

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.)