

D/L- 11
17/02/2025
Ct. No.-6
Aritra

C.O. 511 of 2025

**Aslam Sk. & Anr.
Versus
Nasima Sk. & Ors.**

Mr. Habibur Rahaman
...for the petitioners

This is an application under Article 227 of the Constitution of India at the instance of the plaintiffs and is directed against an order dated January 2, 2025 passed by the learned Civil Judge (Jr. Division), 6th Court at Alipore in Title Suit No.1117 of 2022.

By the order impugned the application under Section 151 of the Code of Civil Procedure at the instance of the petitioner praying for police help at the time of construction of the boundary wall upon the suit premises stood rejected.

Learned advocate for the petitioner submits that by an order dated July 27, 2022 the learned Trial Judge passed an order restraining the defendants/opposite parties herein from disturbing the peaceful possession of the plaintiffs in the suit property. He further submits that for the purpose of protecting the property the construction of boundary wall is very much necessary.

After going through the order dated July 7, 2022 this Court finds that the same was an ad interim order restraining the defendants/opposite parties herein from disturbing the peaceful possession of the petitioners in the suit property for a limited period. It does not appear from the said order that the petitioner herein was permitted to construct a boundary wall encircling the suit property.

The learned Trial Judge rightly noted that there is no specific direction with respect to construction of boundary wall on the suit property.

In view thereof this Court finds that there is no infirmity in the order impugned warranting interference under Article 227 of the Constitution of India.

Accordingly CO 511 of 2025 stands disposed of.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)