

05.03.2025
Court No. 35

Item No.9
Rakib

W.P.A. 3768 of 2025

Salim Sk.
VS
State of West Bengal & Ors.

Mr. Chandan Mishra,
Mr. Debabrata Majumder.
... for the Petitioner.
Mr. Supratim Dhar,
Ms. Subhasri Chatterjee.
... for the State.

Petitioner is aggrieved by the fact that his representation addressed to the Inspector-in-Charge, Nakashipara Police Station for the purposes of construction of a boundary wall at his own land has been resisted by the private respondent. It has been submitted that the private respondent no.5 happens to be the son of the vendor. Additionally, it has been submitted that in spite of informing the police authorities and also necessary orders being passed under Section 163 of the BNSS no steps have been taken by the police authorities.

State has submitted a report. Report reflects that there is a dispute existing between the petitioner and the private respondent no.5. Police authorities have for the said purpose kept a strict vigil and maintained peace and tranquility.

In view of the genesis of the dispute arising from erecting a boundary wall, I am of the view that police authorities are not empowered to decide on the said

issue, until and unless the appropriate authorities demarcate the same.

In view of the aforesaid the police authorities are directed to restrict themselves by continuing the surveillance for ensuring the breach of peace and/or tranquility and also oversee that no untoward incident results because of the strained relationship.

With the aforesaid observations WPA 3768 of 2025 is disposed of.

Report submitted by the State be kept with the record.

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

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.)