

25.03.2025
Item No.21
Ct. No.35
dc.

W.P.A. 5626 of 2025

Mrs. Mita Ghosh
versus
The State of West Bengal & Ors.

Ms. Manika Sarkar ... For the Petitioner.

Mr. Wasim Ahmed,
Md. Ziaur Rahaman ... For the State.

Mr. Gobinda Chandra Bandyopadhyay
... For the Municipality/Respondent No.4.

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 without enclosures be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved by the fact that she intends to construct a boundary wall which is being resisted by the private respondents. To that effect, information was furnished with the police authorities on or about 29.05.2024. However, because of the police authorities not rendering appropriate assistance, the petitioner till date could not construct the boundary wall.

Learned advocate appearing for the Municipality draws the attention of the Court to the opinion expressed by the municipal authorities.

State has submitted a report which reflects that there is dispute between the petitioner and the

private respondents who are neighbours in respect to a vacant land in between where the petitioner intends to construct the boundary wall.

Since there is a dispute in respect of the subject-matter of the boundary wall and the boundary line so far as demarcation is concerned, police authorities would only render assistance when an appropriate civil court passes a direction in case of dispute. Having considered the same, the petitioner, if so advised, would approach the jurisdictional civil court.

The said report also reflects that at the relevant stage, police authorities initiated proceedings under Sections 107/116(3) of the Code of Criminal Procedure. However, if there is any prevailing tension over the demarcation for construction of boundary wall, the police authorities would ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident results because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 5626 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.)