

Sl.No.
90 04.04.2025
Court
No. 35
G.S.Das

WPA 6025 of 2025

Sk. Ruhul Amin
-Vs-
The State of West Bengal & Ors.

Mr. Supriyo Chattopadhyay
Mr. Sudip Kr. Maiti
Ms. Debasree Chatterjee
... for the Petitioner(s)

Ms. Jhuma Chakraborty, Id. Sr. Govt. Adv.
Mr. Suddhadeb Adak
... for the State-respondent(s)
Mr. Sabyasachi Chatterjee
Mr. Kiron Sk
Ms. Monalisha Sinha
... for the respondent nos.4-6

The petitioner is aggrieved by the fact that he is being obstructed by the private respondents from raising a boundary wall by replacing the existing fence. To that effect, the petitioner submits that there is a civil suit pending being T.S. 980 of 2019 before the learned Civil Judge (Jr. Divn.), 7th Court, Howrah, wherein, the learned Civil Judge was pleased to direct the defendant from not disturbing the peaceful possession of the plaintiff in respect of the Schedule B

property. The said ad-interim injunction order was extended from time to time.

Learned advocate appearing for the private respondents opposes such contentions and submits that under the garb of a boundary wall, the petitioner is trying to encroach upon their property.

State has submitted a report which reflects that M.P. Case No. 169 of 2024 was also filed by the petitioner and the same was dropped by the learned Sub-Divisional Executive Magistrate, 1st Court, Howrah.

Be that as it may, since the learned Civil Court is already *in seisin* of the issues concerned, so far as the construction of the boundary wall is concerned, if there is any dispute, it would be the duty of the learned Civil Court to decide the same in accordance with law. The police authorities will not interfere in such circumstances.

However, the police authorities would see to that since the petitioner and the private respondents are at loggerheads no untoward incident results because of the strained relationship existing between them.

With the aforesaid observations, WPA 6025 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

