

D/L 44  
16.04.2025  
Bpg  
ct.no.35

**W.P.A. 6969 of 2025**

**Rajendra Prasad Gupta  
Versus  
The State of West Bengal & Ors.**

Mr. Gaurav Chaurasia.  
...for the petitioner.

Mr. Vimal Kumar Shahi  
Ms. Pratiti Das.  
...for the State-respondents.

Mr. Md. Hafiz Ali.  
...for the respondent no.4.

Mr. Pradip Kumar Kundu.  
...for the respondent nos.5 & 6.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that the private respondents have illegally constructed a tin shed shop at the passage which is creating obstruction to the free egress and ingress of the property, consequently the petitioner is unable to enjoy the property being obstructed at the passage. Petitioner informed the police station, but no steps have been taken by the police authorities.

State has submitted a report. Report reflects that the police authorities enquired in the issue and found that there is no direction from a court of law for demolishing the illegal and unauthorized construction

and it was also learnt by the police authorities that the said shop room was constructed without obtaining permission from the Budge Budge Municipality.

Learned advocate appearing for the municipality submits that the municipality has issued a notice to the wife of respondent no.5.

Having considered that the nature of the dispute complained of is a civil dispute and municipality has already issued notice, I am of the view that the petitioner would approach the municipal authorities or the civil court for appropriate directions. Police authorities, in the meantime, would restrict itself over the issue relating to no breach of peace and/or tranquility taking place or any untoward incident resulting from inimical relationship existing between the parties.

With the aforesaid observations, WPA 6969 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State and the municipality be kept with the record.

Needless to state that since no affidavits have been called for, the accusations made in the writ petition are deemed not to have been admitted.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

***(Tirthankar Ghosh, J.)***