

D/L 80
02.05.2025
Bpg.
ct.no.35

W.P.A.7012 of 2022

**Sk. Debiur Rahaman & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Sayan Sinha
Ms. Deblina Chattaraj.
...for the petitioners.

Mr. Asish Kumar Guha
Mr. Jayak Kumar Gupta.
...for the State-respondents.

Petitioners have referred to an order passed on 01.04.2019 in WP 25584(W) of 2017 wherein the co-ordinate Bench was pleased to dispose of the writ petition with a direction as follows:

“Erection of the boundary wall done by the petitioner pursuant to the order of this Court, will not create any equity right, title and interest in favour of the petitioner other than those which the petitioner already enjoys. The construction of the wall is subject to the result of the pending proceedings.”

By an order dated 05.04.2019 it was also observed that the Officer-in-Charge of the concerned police station will ensure that no breach of the peace occurs at the locale when the petitioners are erecting the boundary wall.

Petitioners claim that since a coordinate Bench has passed a direction and the police authorities did not implement the same, directions be passed upon the police authorities for implementing the orders passed on 01.04.2019 and 05.04.2019. Petitioners further submit that an appeal was pending for a considerable period of time which has been dismissed. Subsequently, contempt petition was also filed by the petitioners, but the petitioners are unable to presently disclose regarding the status of the contempt petition.

Learned advocate for the State-respondents are present.

Having considered the nature of the prayers so advanced particularly with regard to the prayers advanced in the writ petition with reference to CPAN 1474 of 2019, I am of the view that the petitioners' remedy will lie in the contempt petition and no fresh cause of action arose so far as the present writ petition is concerned.

With the aforesaid observations, WPA 7012 of 2022 is disposed of.

There will be no order as to costs.

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.)