

24.06.2025
Item No.65
Ct. No.35
dc.

W.P.A. 10898 of 2025

**Mr. Manish Agarwalla & Anr.
versus
State of West Bengal & Ors.**

Mr. Joyak Kumar Gupta,
Mr. Pawan Kumar Jajodia ... For the Petitioners.

Mr. Santanu Kumar Mitra,
Ms. Anandamoyee Ghosh ... For the State.

Mr. Siva Prasad Ghosh,
Mr. Abhishek Shaw ... For the Respondent No.4.

Report submitted by the learned advocate appearing for the State be kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioners and the respondent no.4.

Learned advocate appearing for the petitioners submits that their workmen are being restrained from entering the complex at the behest of the President, Vice President and other office bearers of the Association and also the private respondent no.4.

State has submitted a report which reflects that, according to the Association/private respondent no.4, an illegal tin-shed was constructed at the terrace. Presently by engaging masons and labours, the petitioners intend to repair the said tin-shed which is objected to by the private respondent no.4, as according to the private respondent no.4, the said tin-shed is absolutely an illegal construction.

Learned advocate appearing for the private respondent no.4 has made a series of complaints to the police authorities.

Having considered the submissions of the respective parties and taking into account the report which has been submitted by the police authorities, I find hardly any scope for the police authorities to interfere with the dispute complained of until and unless an appropriate civil court passes a direction in respect of the dispute existing between the flat owners which include the petitioner and the private respondent no.4. In case there is any further dispute which is blown out of proportion, police authorities would keep a vigil so that no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, the writ petition being WPA 10898 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.)