

D/L 10
23.06.2025
Bpg.
ct.no.35

W.P.A.11093 of 2025

Md. Amir Chand Molla
Versus
The State of West Bengal & Ors.

Mr. Kaustav Banerjee.
...for the petitioner.

Mr. K.J. Yusuf
Mr. Parikshit Goswami.
...for the State-respondents.

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

Learned advocate appearing for the petitioner
is aggrieved by the fact that since the civil court has
already passed a decree in Title Suit No.137 of 2018
and subsequently, the petitioner is unable to
construct a boundary wall, he has approached the
Executive Magistrate as also the police authorities.

I have considered the report submitted by
the State wherein the police authorities have drawn
up proceedings under Section 126 of BNSS to
maintain peace and tranquility.

So far as construction of boundary wall is
concerned, the petitioner, if he faces any resistance
from the respondents illegally, in that case, he would
approach the appropriate forum. So far as the decree

of the civil court is concerned, there is a declaration to the effect that the plaintiff has right, title and interest over the scheduled property. As the nature of the dispute complained of is absolutely civil in nature and the petitioner has earlier preferred declaratory suit, the petitioner, if so advised, would approach the concerned forum for the remedies available.

So far as the police authorities are concerned, since they have already drawn up proceedings under Section 126 of the BNSS and also prayed for submission of bond for keeping peace and tranquility upon the private respondents, I direct that the police authorities to continue such vigil and ensure that no untoward incident results because of the dispute and differences between the petitioner and the private respondents.

With the aforesaid observations, WPA 11093 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)