

Sl.No.
39 10.07.2025
Court
No. 35
G.S.Das

WPA 11697 of 2025

Mousumi Chatterjee
-Vs-
The State of West Bengal & Ors.

Mr. Raghunath Chakraborty
Ms. Nandini Chatterjee
... for the Petitioner(s)

Mr. A. D. Ray
Mr. A. K. De
... for the respondent nos.8&9
Mr. Gopal Chandra Das
... for the KMC

Mr. Somnath Ganguly, Id. AGP
Ms. Kalpita Paul
... for the State-respondent(s)

The petitioner is aggrieved by the fact that the private respondents have been interfering with the roof rights and have been damaging the roof.

There were also issues amongst the other flat owners/apartment owners with regard to the water pump and the scarcity of water.

The petitioner has contended that the police authorities pursuant to the

direction of the learned Executive Magistrate have acceded to their authority and have colourfully exercised their powers.

State has submitted a report which reflects that there is a dispute over installation of gate between the first and the second floor thereby restraining the roof rights of the other apartment owners.

Learned advocate for the respondent nos. 8 and 9 submits that the nature of the dispute complained of is civil dispute and the police authorities have hardly any role to play. According to the learned advocate, the very basis of preferring the present with petition is to create dominance thereby attempting to force the police authorities to act unnecessarily.

Learned advocate for the KMC is also present and submits that there are other litigations wherein KMC has been

added as a party.

Be that as it may, having regard to the nature of the dispute complained of which reflects that absolutely private disputes are existing between the parties, the police authorities would only assess regarding the ground reality whether the situation is blown out of proportion or not. The rest of the issues are left to the appropriate civil court and/or the appropriate authorities to decide and there should not be any interference by the police authorities.

With the aforesaid observations, WPA 11697 of 2025 is disposed of.

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

Report so submitted be kept with the record. A copy of the report be handed over to all the parties..

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.)