

D/L 50
25.06.2025
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ct.no.35

W.P.A.12062 of 2025

Sri Debasish Talukdar
Versus
The State of West Bengal & Ors.

Mr. Sattwik Bhattacharyya
Mr. Ashutosh Bhattacharyya
Mr. Titas Niyogi
Ms. Reshma Sharma.
...for the petitioner.

Mr. Suman Sengupta
Ms. Amrita Panja Moulick.
...for the State-respondents.

Mr. Souma Subhra Ray
Mr. Anushree Mondal
Ms. Neelam Kumari.
...for the private respondents.

Petitioner has approached this Court as the representation dated 22.04.2025 addressed to the Officer-in-Charge, Nager Bazar Police Station was not responded. Petitioner complains that there has been illegal construction of wall in the common space which has resulted in obstruction of the petitioner having access to the common portion of the property and is unable to exercise his easement rights.

Learned advocate for the private respondents submits that the allegations which have been made are incorrect as the construction which has been

referred to had been existing since the property was inherited by the petitioner and the private respondents.

Without going into the merits of the legality or illegality of the construction, I am of the view that the police hardly have any scope to interfere in such circumstances until and unless the appropriate authorities decide so far as the legality and illegality of the construction is concerned. Petitioner, if so advised, would approach the municipal authorities who would assess the same, if required, both the parties be heard out and thereafter if it is required necessary directions may be passed by the municipal authorities.

With the aforesaid observations, WPA 12062 of 2025 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.)