

19.02.2025
Court No. 35
Item No.12
Rakib

W.P.A. 14736 of 2024
Subodh Khara.
VS
The State of West Bengal & Ors.

Mr. Subhas Jana.
... for the Petitioner.
Mr. Subir Sabud.
... for Respondent nos.8 and 10
Mr. Amal Kr. Sen, Ld. AGP.,
Ms. Ashima Das (Sil).
... for the State.

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

Petitioner is aggrieved by the fact he has boundary walls at three sides of his property but on one side of the property there is no boundary wall and the same is being resisted by the private respondents when the petitioner intends to raise construction of such boundary wall. To that effect petitioner approached the learned Executive Magistrate.

Reports were submitted by the Revenue Officers, even after the same on informing to the police authorities no action has been taken.

Learned advocate for the State has submitted a report wherein the police has specifically stated that they have no role to play in construction of the boundary wall.

Learned advocate for the private respondents submit that there is a dispute regarding the issue of the property where boundary wall is being raised, as such the

same is a civil dispute which should be adjudicated by the appropriate authority.

Petitioner relies upon the report of the Revenue Inspector.

In case any authority associated with the land department passes any order, the said order if it is required to be implemented the concerned designated Officer must direct the police authorities to act in a particular manner. This Court under Article 226 of the Constitution of India will never invoke its jurisdiction.

In view of the petitioner and the private respondents being at loggerheads, police authorities would keep a strict vigil and ensure that there is no breach of the peace and/or tranquility which takes place and/or any untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations WPA 14736 of 2024 is disposed of.

Report so submitted by the State be kept with the record.

Copy of the report be handed over to both the parties.

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.)