

December 18, 2025

(5) ARDR

WPA 20839 of 2025

Amiya Kumar Dutta & ors.
Vs.
The State of West Bengal & ors.

Adv. Debrup Chowdhury,
Adv. Syed Murshid Alam,
Adv. Nabiul Islam,
Adv. Subrata Ghosh,
Adv. Amrita Sen,
Adv. Somik Bagchi,

... for the petitioners.

Adv. Anjusri Mukherjee,
Adv. Barun Chatterjee,

...for the State.

Affidavit of service filed by the petitioners and the report submitted by the State are taken on record.

Learned counsel for the petitioners submits that the petitioners are the co-owners of the property in question. They have entered into a development agreement with the developer and intend to construct a boundary wall jointly. The private respondents are restraining them from doing so. The complaint lodged by the petitioners before the police authority has not been considered.

Learned counsel for the State submits that pursuant to the complaint lodged by the petitioners, enquiry was held and prosecution submitted under Section 126 of the BNSS.

Since the petitioners seek a direction upon the private respondents restraining them from causing any obstruction to the construction of boundary wall by the petitioners, they are at liberty to approach the appropriate forum for redressal of their grievance.

In the meantime, the police authority shall keep vigil in the area in order to maintain peace and tranquility.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)