

D/L 16
07.02.2025
Kausik
ct.no.35

W.P.A. 26235 of 2024

**Sunil Kumar Mandal @ Sunil Mandal
Versus
State of West Bengal & Ors.**

Mr. Manojit Bhattacharya
Mr. Amalendu Bikash Dutta

...for the petitioner.

Mr. Manas Kundu
Mr. Manas Sadhu

...for the state.

Petitioner is aggrieved as he is restrained from constructing his boundary wall in respect of the land which he claims that is owned by him.

However, it has been brought to the notice of this court by the learned State counsel that in WPA 3848 of 2022 and WPA 10203 of 2023 by an order dated 26.04.2024 the specific observation of the co-ordinate bench is that the demarcation of the petitioner's plot was effected in presence of the BDO and the BL & LRO, Contai – 1. However, the petitioner being dissatisfied has approached the civil court. The civil court is already in seisin of the matter.

In view of the aforesaid until and unless a specific direction is passed by the civil court upon the police authorities, it would not be possible for the police authorities to act, as earlier there has been a

dispute raised by the petitioner himself regarding the demarcation of the property.

I also find that while disposing of the contempt application, the co-ordinate bench was pleased to ensure that no breach of the peace in the area takes place and the petitioner is able to reside peacefully. Needless to state that the police authorities would continue to keep such surveillance however, in the meantime if the civil court passes any direction for rendering police assistance, the police authorities would respect, obey and implement such order of the civil court.

With the aforesaid observations WPA 26235 of 2024 is disposed of.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)