

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 13.01.2025
DELIVERED ON: 13.01.2025

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

M.A.T. 2141 of 2024

With

I.A. No. CAN 1 of 2024

Banerjee Enterprise

Vs.

The State of West Bengal & Ors.

Appearance:-

Mr. Nilanjan Bhattacharjee, Sr. Adv.

Mr. Arpan Guha

Mr. Saikat Dey

.....For the Appellant

Mr. Suman Sengupta

Ms. Amrita Panja Moulick

.....For the State

Mr. Tapas Maity

.....For the Respondent Nos.9 & 10

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. The unsuccessful writ petitioner is the appellant before us. In the writ petition, the prayer sought for was to direct the respondent authorities to take immediate steps under the provisions of law and take action against the private respondents and to consider the claim of the writ petitioner as per their application dated 23rd July, 2024. The said application was given to the Inspector-in-Charge, Jhalda Police Station, Purulia district as well as the Panchayat Samity.
2. On going through the application, we find that there is allegation that certain group of people, some of whom have been named are objecting to the writ petitioner erecting a boundary wall.

3. The learned Single Bench made a prima facie observation that the matter is of civil nature. However, there is no conclusive finding on such an issue.
4. Be that as it may, if the named persons or the other villagers are objecting to the appellant/writ petitioner from putting up a boundary wall, it is essentially a matter of civil in nature.
5. It further appears from the complaint lodged by the appellant before the Inspector-in-Charge that the dispute arose at the time of measurement of the land in question. Since, the issue of measurement of the land led to the dispute, the learned writ court was right in not allowing the prayer for police help for construction of a boundary wall.
6. Therefore, if there are appropriate orders from the appropriate Court, armed with such order, the appellant would be justified in approaching the authorities for further directions.
7. Therefore, we are not inclined to interfere with the impugned order. However, it will be well-open to the appellant to work out other remedies in accordance with law.
8. With the above observations/directions, appeal and the connected application (CAN 1 of 2024) are dismissed.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)