

01.04.2025  
Ct. No.2  
34  
Rohit

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri**

**WPA 605 of 2025**

**Chandan Roy  
-vs-  
The State of West Bengal & Ors.**

Mr. MATan Chakraborty

...for the Petitioner

Ms. Bedashruti Bose  
Mr. Sandip Guha Roy

...for the State

Mr. Pretom Das

...for the Municipality

Mr. Partha Bhowmick

....for the  
Respondent Nos.  
7 & 8

Affidavit-of-service filed in Court be taken on  
record.

The petitioner has alleged inaction on the part  
of the police authorities for not providing the  
petitioner with necessary assistance for construction  
of the boundary wall encircling the property of the  
petitioner.

The learned Advocate appearing for the  
petitioner submits that the petitioner is the owner of a  
property and is trying to construct a boundary wall  
encircling his property for the purpose of protecting  
the property from encroachment by third parties.

The police authorities are not vested with the power to decide as to the physical boundary line of an immovable property.

From the complaint lodged by the petitioner before the Superintendent of Police and the Inspector-in-Charge, Kothwali Police Station it appears that the elder brother of the petitioner is raising objection against construction of the boundary wall.

The elder brother of the petitioner has been impleaded in this writ petition as respondent Nos. 7 & 8.

The learned Advocate representing the 7<sup>th</sup> and 8<sup>th</sup> respondents submits that the 7<sup>th</sup> and 8<sup>th</sup> respondents are co-sharers in respect of the property where the petitioner is attempting to construct a boundary wall.

After hearing the learned Advocates for the parties it appears to this Court that there is inter se dispute between the private parties in respect of an immovable property with regard to title and possession. Such a dispute cannot be decided by the police authorities. Therefore, the police authorities cannot be faulted for not rendering any assistance to the petitioners for the purpose of construction of the boundary wall.

However, the police authorities are duty bound to see that no breach of peace takes places at the locale.

With the above observations WPA 605 of 2025 stands disposed of.

**(Hiranmay Bhattacharyya, J.)**