

Dd 7 05.03.2026

In the High Court At Calcutta
CONSTITUTIONAL WRIT JURISDICTION

WPA/4362/2026

**ALYA BIBI AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.**

*Mr. Siddhartha Sarkar,
Mr. Sourav Gupta,
... .. For the Petitioners*

*Mr. Rajarshi Basu,
Mr. Ananda Dulal Sarkar,
... .. For the State*

*Mr. Joyjit Roy Chowdhury,
.. ...For the Respondent Nos. 4 to 11*

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Issue as highlighted by the learned advocate representing the petitioners centres around construction of boundary wall. It is alleged that private respondents are obstructing to construct boundary wall at the instance of the petitioners.
3. Composite report is filed by the learned advocate representing the State respondents prepared by Officer-in-Charge, Ashoknagar Police Station, North 24 Parganas dated 5th March, 2026 enclosing copies of relevant documents and the same is taken on record.
4. It is alleged in the writ petition that the petitioners are illegally obstructed by the private respondents to construct the boundary wall and accordingly prayer

is made for issuance of mandamus directing the concerned police authorities to extend assistance which would enable the petitioners to construct boundary wall over the land in question.

5. Learned advocate representing the private respondents has submitted that the passage in question on which petitioners are trying to construct boundary wall is a common passage used by the petitioners as well as the private respondents and the property in question is unpartitioned. It is submitted on behalf of the private respondents that the petitioners do not have exclusive right over the said common passage.
6. It is submitted on behalf of the State respondents that an application under Section 175(3) of the BNSS, 2023 was filed by the husband of the petitioner No. 1, based on which cognizance was taken by the concerned police Authorities and F.I.R. was registered. It is also submitted that charge sheet was filed thereafter.
7. The criminal proceeding was numbered as Ashoknagar P.S Case No. 14/26 dated 10th January, 2026 under Sections 329(3)/ 324(2)/ 115(2) /117(2) / 74/ 351(2) /3(5) of BNS, 2023.
8. In view of the steps taken after the proceeding was initiated under Section 175(3) of BNSS, 2023 by the concerned police Authorities as disclosed in the report dated 5th March, 2026, no further direction by this Court is warranted. Moreover, it needs to be taken into consideration that it is submitted on behalf of the private respondents passage in question is not exclusively owned by the petitioners.
9. In view of the aforesaid situation, Court is not inclined to interfere with the issue.

10. Accordingly, the writ petition stands dismissed.

(Saugata Bhattacharyya, J.)