

27.02.2026
rc/ct.no.05
Item No.04

WPA No. 25661 of 2025
Sibnarayan Gorai
Versus
The State of West Bengal & Ors.

Mr. Sundar Gopal Bhattacharjee
..for the petitioner

Mr. Sudip Sarkar
Mr. SM. Samim Ullah ..for the State

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

None appears for the private respondents despite service.

Learned counsel for the petitioner submits that the petitioner intends to raise a boundary wall around his property since the wall is dilapidated and is breaking down. The private respondents obstructed him in doing so and threatened him with dire consequences. The petitioner approached the municipal authority seeking permission to raise such boundary wall. Upon a contested hearing in presence of the parties, the municipal authority allowed the petitioner to construct the boundary wall by an order passed on January 31, 2024. Despite such permission, the petitioner was severely restrained by the private opposite parties in raising the boundary wall. The private respondents approached the learned Executive Magistrate in an application under Section 144 of the Code of

Criminal Procedure which was turned down since they were unable to produce any document in support of their title or possession in respect of the property. The petitioner seeks police assistance in raising the boundary wall and is agreeable to deposit necessary cost for the same.

Learned counsel for the State submits that the police shall render necessary assistance to the petitioner for raising the boundary wall subject to depositing the necessary police cost.

In view of the above, the Officer-in-Charge, Hirapur Police Station, Burnpur, being the 3rd respondent herein, is directed to render necessary assistance to the petitioner in raising the boundary wall in his property in terms of the order passed by the Executive Engineer, Asansol Municipal Corporation on January 31, 2024. The police cost for the purpose shall be assessed by the Commissioner of Police, Asansol-Durgapur Commissionerate, being the 2nd respondent herein, on an application filed by the petitioner in this regard. On assessment and deposit of cost, the 3rd respondent shall take necessary steps to assist the petitioner as stated hereinabove.

The police authority shall maintain strict vigil in the area in order to avoid any untoward incident in view of the strained relationship between the parties and to ensure maintenance of law and order.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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)