

08.01.2026  
rc/ct.no.05  
Item No.10

**WPA No. 28098 of 2025**  
**Nasir Mondal**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Goutam Kumar Hazra ..for the Petitioner

Mr. Wasim Ahmed  
Mr. Harun Al Rashid ....for the State

Mr. Subhrajyoti Ghosh  
...for the private respondent no. 5

Affidavit of service filed by the petitioner is taken on record.

The petitioner submits that the petitioner is the owner of the plot in question and was raising a boundary wall therein which has been obstructed by the private respondent. The petitioner seeks police assistance to complete the said construction.

Learned counsel for the private respondent submits that the private respondent has acquired the plot in question by virtue of a deed of gift. The private respondent filed a title suit seeking declaration of his title in respect of the property which is pending. It is a fact that prayer for ad interim injunction has been refused by the learned trial Court.

Learned counsel for the State submits that the dispute is civil in nature and has to be adjudicated by the learned civil court.

Upon consideration of the submission made on behalf of the parties this Court is of the view that the dispute is civil in nature, both the parties claiming title in respect of the property. Such factual aspect shall be dealt with by the learned civil court and not by this Court in exercising jurisdiction under Article 226 of the Constitution of India. The petitioner is at liberty to approach the appropriate civil forum for redressal of his grievance.

In the meantime the police authority shall keep 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 peace and tranquility.

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)**