

**IN THE HIGH COURT AT CALCUTTA**

CONSTITUTIONAL WRIT JURISDICTION  
(Appellate Side)

**W.P.A. 6174 OF 2026**

**ASHOK KUMAR GHOSH**

**VS.**

**THE STATE OF WEST AND OTHERS**

Mr. Shibjit Mitra, Adv.

Mr. Subhasish Mitra, Adv.

...for the Petitioner

Mr. Nirmalya Biswas, Adv.

Mr. SM Samim Ullah, Adv.

...for the State

Mr. Ejaz Hossain, Adv.

...for the Private Respondents

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner, State respondents and private respondents.
3. It is submitted by the learned advocate representing the petitioner that a toilet was constructed by the private respondents just beside the premises of the petitioner causing inconvenience to the petitioner. Petitioner prays for a direction upon the concerned police authorities to take necessary steps in order to prevent nuisance due to the presence of toilet just beside the premises of the petitioner.
4. In support of the case made out in this writ petition, order passed by the Sub-Divisional Magistrate,

Chandernagore, Hooghly on 22<sup>nd</sup> February, 2023  
under Section 133 Cr.P.C. is relied on.

5. Learned advocates representing the private respondents as well as the State respondents have opposed this writ petition and it is submitted on behalf of the private respondents that petitioner and the private respondents are co-owners of the plot of land where respective premises of the petitioner and the private respondents situate.
6. It is also alleged on behalf of the private respondents that the petitioner constructed toilet just beside the toilet constructed by the private respondents and when the private respondents started construction of toilet objection was raised by the petitioner.
7. Having considered the respective submissions made on behalf of the parties, it is found that petitioner has grievance relating to construction of toilet by the private respondents just beside the premises of the petitioner.
8. Petitioner, in that event, ought to have raised objection before the concerned Panchayat authorities ventilating his grievance. Police authority is not the appropriate authority to decide whether the toilet constructed by the private respondents shall be

permitted to be used by the private respondents or not.

9. Hence, no relief can be granted in this writ petition.
10. However, petitioner shall be at liberty to approach the Panchayat authorities ventilating his grievance relating to existence of toilet as alleged to have been constructed by the private respondents.
11. Writ petition stands dismissed.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

**(SAUGATA BHATTACHARYYA, J.)**