

07.07.2025
Sl. No. 21
Ct No. 3
SG

WPA 28161 of 2024

**Rajat Bagchi
Vs
The State of West Bengal & Ors.**

Mr. Syed Arif Ahmed.

... for the petitioner

Mr. Mir Anuruzzaman.

...for the municipality

Ms. Sipra Mazumdar,
Mr. Tanweer J. Mandal.

...for the State

1. The petitioner has filed the present writ petition seeking a direction for the construction of a boundary wall on his property.
2. The case of the petitioner is that he is the lawful owner of the property in question and desires to construct a boundary wall thereon. However, he contends that private respondents No. 5 and 6 are obstructing such construction by raising objections, thereby preventing him from exercising his proprietary rights.
3. Learned counsel appearing for the Rajpur Sonarpur Municipality submits that no prior permission or consent from the Municipality is required for the construction of a boundary wall, provided such construction complies with applicable building rules and regulations. It is further submitted

that the Municipality is neither a party to the dispute nor has it taken any action to impede the petitioner's proposed construction. The dispute, as per the Municipality, is purely private in nature and does not involve any act or omission on the part of the municipal authority.

4. Learned counsel for the petitioner also concedes that the only hindrance to the construction of the boundary wall arises from the objections raised by the private respondents No. 5 and 6, and that no grievance is raised against the Rajpur Sonarpur Municipality.

5. Upon a consideration of the pleadings and submissions made, it is evident that the relief sought in the present writ petition pertains entirely to a private dispute between the petitioner and certain private individuals. No element of public law is involved, nor is any infringement of a statutory duty on the part of the Municipality alleged.

6. It is well-settled that in the exercise of writ jurisdiction under Article 226 of the Constitution of India, this Court ordinarily does not adjudicate disputes of a purely private or civil nature, particularly where no public authority is shown to have violated any statutory or constitutional obligation.

7. In view of the above, and as no relief is claimed against the statutory authority and the dispute raised is private in nature, the present writ petition is not maintainable and is accordingly dismissed.

8. There shall be no order as to costs.

9. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)