

M/L52
04.11.2024
Bpg.
ct.no.35

W.P.A.23729 of 2024

**Nirmal Chandra Gain & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Tarapada Das
Ms. Jonaki Khan.
...for the petitioners.

Mr. Biswabrata Basu Mallick
Mr. Shayak Chakraborty.
...for the State-respondents.

Mr. Shyamal Chakraborty
Mr. Debajyoti Mondal
Ms. Manju Jaiswal
Ms. Anjana Das.
...for the respondent nos.6 & 7.

Affidavit of service so filed by the petitioners
be kept with the record.

Petitioners are aggrieved by the fact that in
their property they have been not allowed to enter
and have been dispossessed.

On the other hand, learned advocate
appearing for the respondent nos.6 and 7 submits
that they have constructed a house after prior
permission not only from the respective authorities
but also a no-objection from the present petitioners.

The aforesaid are disputed question of facts
which this Court will not entertain. If the petitioners
are of the view and have grievance that their property

have been encroached, petitioners would be at liberty to approach the jurisdictional court by invoking the appropriate provisions of law under Section 175 of the BNSS or Section 223 of the BNSS. In case such application is filed, learned Magistrate would strictly adhere to the provisions of law and exercise his discretion independently without being influenced by any observations made by this Court.

With the aforesaid observations, WPA 23729 of 2024 is disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)