

07.11.2024

**Sl. No. 37
Ct. No. 35
Srimanta**

WPA/26466/2024

Sambhu Bose

-Vs.-

The State of West Bengal & Ors.

Mr. Mani Sankar Chattopadhyay

...for the petitioner.

Mr. Suman Ghosh,

Mr. Siddhartha Ghosh

...for the State.

Mr. Ujjal Ray,

Mr. Ivan Roy,

Mr. Nirupam Dutta

...for the respondent no. 4.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner is aggrieved by the fact of demolition of the front portion of the building where he was in possession. A report submitted on behalf of the State reflects that the police has intervened and the petitioner admits that for the time being demolition has been stopped by the private respondents.

The learned Advocate for the private respondents appears and submits that they entered into an agreement with the heirs of the deceased who happens to be the owner of the property. So far as the issue relating to possession is concerned, the same is absolutely the domain of the Civil Court.

However, no individual can be dispossessed without due process of law. If permission has been sought for from the appropriate authorities for demolition, petitioner would approach the appropriate authorities and address his grievance. The DG Building, K.M.C. would conduct an enquiry regarding the act and actions of the work of demolition which is being carried out at the said premises. Petitioner, in the meantime, would approach the jurisdictional Civil Court for specific remedies. In case the petitioner complains that there have been issues relating to trespass or encroachment he should be approach the Civil Court. The petitioner will also be at liberty to approach the jurisdictional Criminal Court by invoking the provisions of Sections 175/223 of the B.N.S.S., 2023. The concerned Criminal Court will enquire and deal with the matter exercising his discretion in accordance with law. In view of the police authorities having taken steps and the executive Magistrate having passed appropriate orders at this stage, I do not find any issue which calls for interference. Petitioner will take steps in accordance with the observations made above.

With the aforesaid observation, WPA 26466 of 2024 is disposed of.

A copy of the report so submitted be kept with the record.

A copy of the report be handed over to the learned Advocate for the private respondents also.

(Tirthankar Ghosh, J.)