

22.11.2024
Item No.18
Ct. No.35
dc.

W.P.A. 27622 of 2024

Sukdev Koley & Anr.
versus
The State of West Bengal & Ors.

Ms. Ajeya Chowdhury,
Mr. A. K. Hazra,
Ms. S. Chatterjee ... For the Petitioners.

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi ... For the State.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioners.

The petitioners complain that their property is attempted to be grabbed at the behest of the private respondents and illegal temporary constructions have been made in their land.

State has submitted a report which reflects that the police authorities have already drawn up proceedings under Section 126 of BNSS pursuant to receipt of the complaint. I find from the complaint which has been enclosed to the writ petition addressed to the police authorities on 20.09.2024 that the private respondents threatened and abused the petitioners including the factum of destruction of certain saplings and trees.

Be that as it may, so far as the removal of the illegal temporary structures are concerned, the petitioners would approach the appropriate civil

court. If any direction is passed including a direction for police assistance by the civil court for removal of such structures, the police authorities will then obey and respect the order of the civil court.

So far as the other accusations are concerned, the petitioners would be at liberty to approach the jurisdictional criminal court under Section 175(3) of BNSS and/or under Section 223 of BNSS. The jurisdictional criminal court would assess the nature of accusations as to whether cognizable offence or non-cognizable offence is made out and thereafter pass necessary order in accordance with law.

In the meantime, it is directed that the police authorities would keep a strict vigil and ensure that no breach of peace and tranquility takes place and/or any untoward incident arises out of the dispute existing between the petitioners and the private respondents.

With the aforesaid observations, the writ petition being WPA 27622 of 2024 is disposed of.

There shall be no order as to costs.

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

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

(Tirthankar Ghosh, J.)