

19.12.2024
Court No.35
Sl No.55
CP

WPA No. 29146 of 2024

Sk. Samsul Joha @ Samsul Joha
- Versus -
The State of West Bengal & Ors.

Mr. Uday Sankar Chattapadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta

...for the petitioner.

Mr. Suman Ghosh
Mr. Siddhartha Ghosh

...for the State.

1. The petitioner claims that he is being disturbed in his peaceful enjoyment of his property and attempt is being made by the private respondents to encroach with an ill intention of harvesting the crops.
2. Learned advocate for the State submits a report. The report reflects that a part of the property belongs to the petitioner while some other part also belongs to the private respondent nos. 6 & 7. The police authority is already maintaining a vigil in the area so that no breach of peace takes place and, accordingly, proceeding under Sections 107 and 116 of Cr.P.C. has been drawn earlier. Presently there is an order under Section 163 of the B.N.S.S.

3. Learned advocate for the private respondents denies and disputes the contention advanced by the petitioner.
4. Having considered that the issue relates to harvesting of the crops concerned, it would be for the civil court to adjudicate on the issue.
5. If any breach of peace takes place or any untoward incident results because of the inimical relationship existing between the petitioners and the private respondents, the police authority would not hesitate to take any harsh steps.
6. With the aforesaid observations, the writ petition being WPA No. 29146 of 2024 is disposed of.
7. The report submitted be kept with the records. A copy of the report be handed over to the learned advocate appearing for the petitioner.
8. All concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)