

D/L21
20.12.2024
Bpg.
ct.no.35

W.P.A.29687 of 2024

**Mahadev Barai & Anr.
Versus
State of West Bengal & Ors.**

Mr. Subhendu Banerjee.
...for the petitioners.

Mr. Himadri Sikhar Chakraborty
Ms. Susnita Saha.
...for the State-respondents.

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

Petitioners complain that from their land the
private respondents are digging the earth and trying
to construct a road. To that effect, the petitioners
lodged a complaint with the police authorities.
However, the police authorities did not act on such
information, neither they restrained the private
respondents from either digging the earth or in
construction of the road which is absolutely illegal.

Learned advocate for the State has submitted
a report. Report reflects that the police authorities
conducted an enquiry and on enquiry, it surfaces that
a long standing land dispute is pending between the
petitioners and the private respondents. However, on
the basis of the information submitted by the

petitioner no.1, a proceeding has been drawn up under Section 126 of BNSS.

Having considered that the private respondents are digging earth from the land which allegedly belongs to the petitioners, I am of the view that if there is a long standing dispute in respect of the land, petitioners should first approach the civil administration either the BL & LRO or the DL & DLRO. The concerned administrative authority would assess regarding the correctness of the ownership of the property and thereafter if it thinks fit and proper direct the police authorities to compel the private respondents from abstaining or pursuing the said work. Accordingly, petitioners are granted liberty to approach the appropriate authorities who would take steps in accordance with the observations passed above.

With the aforesaid observations, WPA 29687 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioners.

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.)