

D/L 130
18.03.2025
Kausik
ct.no.35

W.P.A. 282 of 2024

**Tapan Das & Anr.
Versus
State of West Bengal & Ors.**

Mr. Gouranga Kr. Das
Ms. Poulami Dutta

...for the petitioner.

Mr. Debashis Banerjee
Mr. Rakesh Jana

...for the respondent no. 7 & 8.

Mr. Jayanta Samanta, Jr. Govt. Adv.
Mr. Subhendu Sengupta

...for the state.

Petitioner approached this court being aggrieved by the inaction of the police authorities as the private respondents had been excavating their part of the property and in spite of the same the police authorities were not restraining the private respondents in pursuing their illegal activities.

Earlier a fresh report was called for on the point of excavation. Police has submitted a report wherefrom it reflects that on or about December, 2023 the private respondents carried out excavation on the plot of land measuring about 25 feet in length, 10 feet in width and 3 feet in depth. The plea taken by the private respondents before the police

authorities was for a demarcation in respect of the property with the petitioner.

I have considered the report submitted by the Inspector-in-charge, Raidighi Police Station, Sundarban Police District. Report prima facie tilts in favour of the private respondents. The same do not seem to be in consonance with the grievance of the petitioner before this court to be correct or incorrect. In fact, prima facie the accusations of the petitioner seems to be correct. Any further excavation if it is complained by the petitioner to the police authorities, in changing the nature and character of the land will make the police authority bound to register case against the person concerned under the relevant provisions of the West Bengal Land Reforms Act, 1955.

With the aforesaid observations WPA 282 of 2024 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner and the respondent nos. 7 & 8.

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

(Tirthankar Ghosh, J.)