

17.01.2025
Item No.53
Ct. No.35
dc.

W.P.A. 481 of 2025

**Hamid Sardar
versus
State of West Bengal & Ors.**

Mr. Ranajit Roy,
Ms. Irina Mullick ... For the Petitioner.

Ms. Sipra Majumdar,
Ms. Somashree Dey ... For the State.

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

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 petitioner.

The petitioner is aggrieved by the fact that the private respondents are trying to encroach upon the property of the petitioner and thereby disturbing the peaceful possession of the petitioner. To that effect, information has been furnished with the police authorities. However, the police authorities did not take any appropriate action.

State has submitted a report which reflects that the police authorities have drawn up proceedings under Section 126 of the BNSS against the private respondents. Report also reflects that the issue has been formally communicated to the BL & LRO, Usthi for necessary action.

In view of the aforesaid I direct that the petitioner who claims to be in possession should

not be pushed to such a situation that he is deprived from enjoying the peaceful possession at least. If the petitioner finds that there has been encroachment, the petitioner would be at liberty to approach the jurisdictional criminal as well as civil court for praying appropriate remedies.

In the meantime, the police authorities would ensure that a strict vigil is maintained so that no breach of the peace or tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 481 of 2025 is disposed of.

There will 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.)