

10.02.2025
Item No.20
Ct. No.35
dc.

W.P.A. 2332 of 2025

**Ensan Ali
versus
State of West Bengal & Ors.**

Mr. Biswajit Hazra,
Mr. Archisman Sain ... For the Petitioner.

Mr. Rajarshi Basu,
Mr. Ananda Dulal Sarkar ... For the State.

Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar ... For the private Respondents.

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 advocates appearing for the petitioner and the private respondents.

The petitioner complains that the private respondents are obstructing in the construction of his property where he obtained lawful permissions from the Panchayat authorities. In spite of informing the police authorities, no action has been taken by the police authorities.

Learned advocate appearing for the private respondents submits that civil suit is pending for a considerable period of time. In spite of the same, the present petitioner has been pursuing his construction.

State has submitted a report which reflects that earlier respondent no.13 lodged a complaint

pursuant to which Labpur Police Station Case No. 225/2024 dated 17.12.2024 was registered for investigation and on completion of investigation, charge-sheet has been submitted in connection with the said case. The present petitioner informed the police station by way of a complaint dated 16.01.2025. Prior to that another information was furnished to the same police station. On receipt of the information, the police authorities have drawn up proceedings under Sections 126/135 of BNSS. Right, title and interest in respect of a property are exclusive domain of the civil court. If the petitioner is being obstructed, the petitioner will take out appropriate application under the relevant provisions of law before the jurisdictional civil court. This Court will not invoke its jurisdiction under Article 226 of the Constitution of India with respect to any construction being made. However, the police authorities would keep a strict vigil and ensure 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 2332 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.)