

17.02.2025
Court No. 35

Item No.45
Rakib

W.P.A. 2809 of 2025

Punam Sharma.
VS
The State of West Bengal & Ors.

Mr. Ranojoy Chatterjee.
... for the Petitioner.
Mr. Partha Pratim Roy,
Mr. Anirban Das,
Mr. Samrat Chakraborty.
... for the Respondent No. 4.
Mr. Subhra Prakash Lahiri,
Ms. Tuli Sinha.
. ... for the State.

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

Petitioner is aggrieved by the fact that her egress
and ingress is being obstructed by the private
respondents. To that effect she has informed the police
authorities in the year 2022 as well as in the year 2024,
in spite of the same police authorities are not taking any
action. Additionally it has been alleged that the private
respondents are also encroaching the PWD property/land
in order to attain their illegal objective of encroachment.

Learned advocate for the State has submitted a
report. Report reflects that that information earlier
furnished in the year 2022 which was recorded as Malda
PS GDE No.515 dated 11.12.2022. Subsequently, in the
year 2023 a proceedings under Section 107 of the Cr.P.C.
has been drawn up. Presently another report has been

drawn up in the year 2025 under Section 126 of the BNSS.

So far as the issues relating to egress and ingress is concerned the same is absolutely the domain of the Civil Court. If a Civil Court passes necessary directions then only the police authorities would be bound to act. The issue relating to encroachment is also to be addressed before the Civil Court.

Since the present dispute crops up from the year 2022, I am of the view that until and unless there is a specific direction from the Civil Court, the nature of the dispute complained of by the petitioner cannot be addressed.

Learned advocate for the respondent no.4 is present and he denies the accusations submitting that the petitioner is trying to take advantage of his possession and thereby distorted facts to his own advantage. He additionally submits that police authorities have got nothing to do with a land in dispute.

In view of the factual circumstances, I direct the act and action of the police authorities would be restricted only to ensure that no breach of the peace and/or tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the petitioner and the private respondents.

Petitioner, if she is aggrieved she would approach the appropriate Civil Court or appropriate authorities for taking action in accordance with law.

With the aforesaid observations WPA 2809 of 2025 is disposed of.

Report submitted by the State be kept with the record.

Copy of the report be handed over to both the parties.

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.)