

D/L 26
05.03.2025
Kausik
ct.no.35

W.P.A. 4127 of 2025

**Bimal Krishna Gayen & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Benazir Shaikh

...for the petitioner.

Mr. Subhrajit Saha

...for the respondent nos. 4 & 7.

Mr. Sirsanya Bandopadhyay, Sr. St. Counsel
Mr. Debopriyo Karan

...for the state.

Petitioner is aggrieved by the fact that the private respondents have forcefully occupied their fishery and presently they are continuing with the fishery without any permission from the authorities.

In spite of informing the police authorities no action has been taken by the police authorities.

State has submitted a report. Report reflects that initially there was an agreement in the year 2013 for a period of 3 years. However, after expiry of the said period the private respondent no. 1 refused to pay the lease money. There is a dispute which has been raised by the private respondent no. 1 in respect of ownership of the land in issue.

However, the report reflects there was a dispute which cropped up between the petitioner

and the private respondent over which there was hot altercation, exchange of filthy languages and the same related to the land/water body in issue.

Learned advocate for the petitioner rebutting such contentions submitted that the police authorities were supposed to take action in view of the contentions made in the representation which was received by their good office.

Report reflects that a proceeding under section 126 BNSS have been drawn by the police authorities. However, there are no accusations of the petitioner that without any proper licence, the pisciculture is being continued by the private respondents.

To that effect, information if furnished before the appropriate authorities, the said authorities would take steps by informing the police authorities. Since the police authorities till date have not received any information, I am of the view the steps taken by the police authorities are adhering to the process of law.

Subsequently if there is a dispute and difference between the parties and/or any issue crops up in respect of the continuation of the fishery in the water body concerned, police authorities would ensure that no untoward incident results as

an outcome of the strained relationship presently existing.

With the aforesaid observations WPA 4127 of 2025 is disposed of.

Report so submitted be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

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

(Tirthankar Ghosh, J.)