

17.04.2025
Item No.215
Ct. No.35
dc.

W.P.A. 4153 of 2024

Sudarsan Mandal
versus
The State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna ... For the Petitioner.

Mr. Somnath Ganguli, AGP,
Mr. Manas Kumar Sadhu ... 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 lodged information with the Officer-in-Charge, Nandakumar Police Station as the private respondents not only constructed a pathway but also constructed a dwelling house in the land of the petitioner. In spite of receipt of such information, police authorities did not take any action and as such, the petitioner was compelled to approach this Court.

State has submitted a report which reflects that on receipt of such information, Nandakumar P.S. Case No. 147/2024 dated 06.03.2024 was registered for investigation against the accused persons. However, until and unless a specific direction is passed, the police authorities will not be in a position to assess in respect of illegality of the construction or grabbing of the property. As the

right, title, interest, occupation and possession of a property are the absolute domain of the civil court to adjudicate upon the same, I am of the view that the police authorities were perfect in not interfering with the same. However, if the petitioner approaches the civil court and directions are passed, the police authorities would thereafter take necessary steps in consonance with any direction, if passed by the civil court. Presently, the police authorities would ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident results because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 4153 of 2024 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.)