

10.03.2025
Court No. 35
Item No.10
Rakib

W.P.A. 4280 of 2025

Sk. Ansar Ali.
VS
State of West Bengal & Ors.

Mr. Ramij Munshi,
Mr. Rittick Chowdhury,
Ms. Muskan Agarwal.
... for the Petitioner.
Mr. Joydip Banerjee,
Ms. Rupsha Chakraborty.
... for the State.

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

Petitioner is aggrieved by the fact that the private respondents have been interfering with the peaceful enjoyment of the property and they are proceeding with the construction work in the land of the petitioner.

To that effect petitioner approached the learned Executive Magistrate. However, inspite of the direction passed by the learned Executive Magistrate no steps have been taken by the police authorities. If the learned Executive Magistrate has passed any order, it is for the learned Executive Magistrate to implement its own order.

So far as the complaint with the police authorities are concerned, the concerned police station has already drawn up proceedings under Sections 126/135(3) of the BNSS, 2023, thereby ensuring that there is no breach of the peace and/or tranquility at the locale.

If the petitioner is of the view that the petitioner's land is being encroached at the behest of the private

respondents, petitioner will approach the Jurisdictional Civil Court for appropriate orders.

This Court by exercising its jurisdiction under Article 226 of the Constitution of India will not direct for implementation of any order passed by an Executive Magistrate.

However, since there is a reflection from where it can be seen that there is a possibility of the breach of the peace, police authorities would ensure that no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations WPA 4280 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

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

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.)