

D/L 11
11.03.2025
Kausik
ct.no.35

W.P.A. 4487 of 2025

**Md. Badar Ali Sarkar
Versus
State of West Bengal & Ors.**

Mr. Shataroop Purkayastha
Mr. Hamidur Rahaman

...for the petitioner.

Mr. Ankan Das
Ms. Shradhya Ghosh

...for the private respondent.

Mr. Ashim Kr. Ganguly
Mr. Bellal Shaikh

...for the state.

Petitioner is aggrieved by the fact that the private respondents are trying to encroach the property in spite of the petitioner being in possession and also his name is recorded in the record of rights.

Additionally it has been submitted that the police authorities are hand in gloves with the private respondents and are encouraging them in their illegal activity, as such it is difficult for the petitioner to retain the property.

Informations have been sent to the Superior Officers of the police also. However, till date no steps

have been taken which has compelled the petitioner to approach this court.

Learned advocate for the State has submitted a report. Report reflects that on receipt of the information, Officer-in-charge, Raninagar Police Station drew up proceedings under section 126/135(3) BNSS against both the parties to avoid any breach of the peace.

According to the police reports there is civil disputes existing. Report also reflects that a civil suit being TS 75/2016 has been disposed of by the learned Court, Lalbagh, Murshidabad.

Learned advocate for the private respondent submits that there is no issue relating to pendency of a civil case because already the civil case being TS 75/2016 which has been filed by the present petitioner has been dismissed.

To rebut such contention, learned advocate for the petitioner submits that an appeal is pending before the higher forum.

Be that as it may, police authorities would ensure that there is no breach of the peace and/or tranquility and/or any untoward incident resulting from the strained relationship existing between the parties.

With the aforesaid observations WPA 4487 of 2025 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)