

08.05.2025

Item No.179

Ct. No.35

dc.

W.P.A. 4702 of 2024

**Sk. Aminur Islam
versus
The State of West Bengal & Ors.**

Mr. Rafikul Islam Sardar ... For the Petitioner.

Sk. Md. Galib,
Ms. Priyamvada Singh ... 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 is aggrieved by the fact that on the basis of complaint so filed before Nandigram Police Station, several criminal cases were registered, but the private respondents are dangerous in nature as they excavated the earth of the common passage of the petitioner. Consequently the petitioner is facing inconvenience in free egress and ingress at his residence. To that effect, information was furnished before the police station. However, no steps have been taken.

State has submitted a report which reflects that at least four cases have been registered in connection with the dispute which has its genesis between the petitioner and the private respondents. However, the petitioner's present contention for police assistance in respect of the construction of

the common passage cannot be acceded, as the police authorities are not empowered to oversee such construction until and unless directed by a court of law having appropriate authority.

Learned advocate for the petitioner submits that BL&LRO has demarcated the land in favour of the petitioner. In case the same has been done by the BL&LRO, it would be the concerned authority or the civil court who would direct the police authorities to act in aid of the petitioner after hearing the necessary parties. In case such an order is passed by the appropriate authority or the civil court, police authorities would respect, obey and implement the said order.

With the aforesaid observations, the writ petition being WPA 4702 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.)