

D/L 47
17.03.2025
Bpg.
ct.no.35

W.P.A.5142 of 2025

**Shibaji Roy & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Rupayan Deb
Ms. Priya Nandy.
...for the petitioners.

Mr. Swapan Banerjee
Mr. Diptendu Narayan Banerjee.
...for the State-respondents.

Mr. Manish Shukla.
...for the respondent no.4.

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar.
...for the respondent no.5.

Affidavit-of-service filed by the petitioners be
kept with the record.

Petitioners are aggrieved by the fact that the
private respondents particularly the respondent no.4
being hand in gloves with the respondent no.5 are
trying to encroach the property of the petitioners and
in fact the police authorities are aiding the private
respondents. Additionally, it has been submitted that
under the garb of an application under Section 144(2)
of the Code of Criminal Procedure, the police
authorities have created circumstances by way of
which the private respondent nos.4 and 5 have been
able to encroach upon a part of the property.

Learned advocate for the petitioners submits that they are the owners of the land. On the other hand, learned advocate for the private respondent no.5 submits that they are the owners of the land.

State has submitted a report. Report reflects that the nature of the dispute is relating to property. Police authorities have only maintained peace and tranquility.

Petitioners are aggrieved regarding a tin shed boundary being created pursuant to the direction under Section 144(2) of the Code of Criminal Procedure which was initiated by the respondent no.5.

Since no demarcation and/or any other order can be passed under Section 144(2) of the Code of Criminal Procedure, I direct that the police authorities would ensure that no construction work afresh would be made without the leave of the municipal authorities or the civil court over the land referred to in the writ petition.

With the aforesaid observations, WPA 5142 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

Copy of the report be handed over to both the parties.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)