

25.03.2025
Item No.36
Ct. No.35
dc.

W.P.A. 5732 of 2025

Sonjit Kumar Kayal
versus
The State of West Bengal & Ors.

Mr. Soumik Ganguli,
Ms. Chandana Chakroborty ... For the Petitioner.

Mr. Vimal Kumar Shahi, AGP,
Ms. Pratiti Das ... 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.

The petitioner is aggrieved by the fact that in spite of informing the police authorities, no steps have been taken and the point of grievance is that his property is being encroached by the private respondents who have trespassed into his property, chopped of the valuable trees thereby causing financial loss. The petitioner has informed the Superintendent of Police Kakdwip, Sundarban Police District as well as the Officer-in-Charge, Pathar Pratima Police Station. In spite of the same, no action has been taken.

State has submitted a report which reflects that cases are *inter se* pending amongst the joint owners of the property since 2009. An enquiry was conducted. However, during the enquiry, the petitioner did not appear before the police authorities. However, in anticipation of breach of

peace, police authorities have drawn up proceedings against respondent nos. 8, 10 and 11 herein under Section 126 of BNSS. A strict vigil is being maintained. It has been further stated that the dispute complained of is civil in nature.

I have considered the submissions of the petitioner and the State. So far as the issue relating to trespassing into the property is concerned, it would be the civil court who would decide regarding the demarcation of the property and the issue relating to trespass. In case there is any demarcation and it has been found that the valuable trees of the petitioner are being chopped and as a consequence of which the petitioner has suffered financial loss, in that case the petitioner would approach the jurisdictional criminal court. The jurisdictional criminal court will conduct a preliminary enquiry relating to the foundational facts so ascertained and its correctness and thereafter will decide the course of action to be proceeded in accordance with the provisions of BNS/BNSS, 2023.

The police authorities have already kept a strict vigil and drawn up proceedings under Section 126 of BNSS. They would continue their surveillance and will oversee that no further 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 5732 of 2025 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.)