

07.04.2025
Court No. 35
Item No.98
Rakib

W.P.A. 6449 of 2025

Bijoy Krishna Das & Anr.
VS
The State of West Bengal & Ors.

Mr. Debasish Das.

... for the Petitioner.

Mr. Somnath Ganguli, Ld. AGP.,

Ms. Sangeeta Roy.

...for State.

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

Petitioners have approached this Court being aggrieved by the inaction of the police authorities as they claim that their property has been encroached by the private respondents and a construction is being proceeded with at the behest of the private respondents.

Petitioners submit that in SAT 363/2017 along with CAN 9036/2017 a direction for status quo with regard to possession of the party in the suit property has been passed on or about 15.09.2017. Petitioners also draw the attention of this Court to the directions passed in WPA 9128/2023 wherein a Coordinate Bench by an order dated 03.05.2023 was pleased to direct the petitioners to approach the Block Development Officer for necessary action. Petitioners contend that they raised objection before the Block Development Officer. Petitioner has also referred to the representation wherein a proceeding is pending being Patta Annulment Case no. 06/2020 before SDO, Egra.

State has submitted a report which reflects that proceeding under Section 126 of BNSS has been drawn against the private respondents.

Having considered the nature of the dispute and the fact that not only the Civil Court is in seisin of the issue but also the Land Authorities are also in siesin of the proceedings, I am of the view that until and unless the Civil Court passes necessary direction upon the police authorities for rendering appropriate police assistance, this Court under Article 226 of the Constitution of India will not interfere within the domain of the Civil Court.

However, police authorities would only ensure that there is no breach of the peace and/or tranquility and/or any untoward incidents resulting because of the strained relationship existing between the parties.

With the aforesaid observations WPA 6449 of 2025 is disposed of.

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

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.)