

Sl.No.
9 16.04.2025
Court
No. 35
G.S.Das

WPA 6701 of 2025

Narendranath Maity & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Sayan Banerjee
Mr. Kiran Sk
Ms. Suparna Dutta
Ms. Amrita Ghosh
Ms. Monalisha Sinha
... for the Petitioner(s)
Mr. Swapan Banerjee, Id. AGP
Mr. Soumen Chatterjee
... for the State-respondent(s)
Mr. Debabrata Sardar
Mr. Sandipan Pal
... for the private respondent no.8

The petitioners have prayed in the writ petition for restoring possession of their land which has been illegally occupied by the private respondent no.8. To that effect, an information was furnished.

The petitioners also have raised their grievance that the private respondent no.8 has forcefully occupied their land without any authority over the land and has been pursuing with his illegal activities

on the said land.

Learned advocate for the private respondent(s) submits that the respondent n.8 happens to be a *Bargadar* and, to that effect, the very basis and/or foundations of a trespasser is questionable as has been contended on behalf of the petitioner.

The petitioners have also drawn the attention of the Court to the order dated 28.10.2022 passed in T.S. No. 391 of 2022 wherein an ad interim injunction order dated 14.07.2022 was set aside by the learned Civil Judge (Jr. Divn.), 1st Court, Uluberia. Consequently, the appeal which was preferred at the behest of the respondent(s) was also dismissed.

Learned advocate for the State has submitted a report which reflects regarding the other cases including the Barga Case No. 17/LR (U-1) of 94-95 which was published in the L.R. records.

Be that as it may, as is reflected from the report as also from the order(s) of the learned Civil Court that both the land authorities and the learned civil court are already *in seisin* of the issues; the police authorities have restricted themselves by drawing up a proceeding under Section 126 of the BNSS.

Taking into account the overall circumstances, at this stage, this court is of the view that without a specific order from a Court of law, the police authorities would not be in a legal position to take steps which would effect the rights of either the petitioner or the respondent no.8.

Accordingly, the police authorities would await any order either from the BL&LRO or the learned Civil Court who are already *in seisin* of the issues.

In the meantime, the police authorities would ensure that no untoward

incident result because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 6701 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

However, liberty is granted to the parties to approach the appropriate civil court and/or criminal court for ventilating their grievances.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

