

21.04.2025
Item No.20
Ct. No.35
dc.

W.P.A. 7328 of 2025

Asim Sarkar
versus
The State of West Bengal & Ors.

Mr. Gobinda Chandra Baidya,
Mr. P. Mondal ... For the Petitioner.

Mr. Tarak Karan ... For the State.

Mr. Sandip Ray ... For the Respondent Nos. 5 & 6.

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 advocates appearing for the petitioner and the respondent nos. 5 and 6.

The petitioner is aggrieved by the inaction of the police authorities pursuant to the representation which was submitted on or about 12.02.2025 before two different authorities including the Inspector-in-Charge, Basanti Police Station. The main accusation against the private respondents is that they are forcefully trying to take possession of the property by installing fencing and also by accumulating construction materials and the respondents intend to raise construction with the aid and assistance of miscreants. It is also alleged that the petitioner has been threatened by the said miscreants to leave the property otherwise he would face dire consequences.

State has submitted a report which reflects that the police authorities have taken into account the nature of dispute existing between the petitioner and the private respondents.

Learned advocate appearing for the respondent nos. 5 and 6 disputes the contentions raised by the petitioner both in the writ petition as well as in the representation made before the police authorities.

I have considered the nature of the contentions and is of the opinion that long standing land dispute is existing between the parties. So far as the issues relating to fencing and construction are concerned, the petitioner would be at liberty to approach the jurisdictional civil court for necessary relief. So far as the other accusations relating to threatening and attempting to grab the property are concerned, the petitioner would be at liberty to approach the jurisdictional criminal court under the relevant provisions of law.

However, in the meantime, the police authorities would ensure that no breach of the peace or tranquility takes place at the locale and/or any 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 7328 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.)