

Sl.No. 97 23.04.2025
Court No. 35
G.S.Das

WPA 7699 of 2025

Dibakar Dey
-Vs-
The State of West Bengal & Ors.

Mr. Sandipan Maity
... for the Petitioner(s)
Ms. Sabnam De Bardhan, Id. Jr. Govt. Adv.
Ms. Kakali Naskar
... for the State-respondent(s)
Mr. Avijit Ganguly
... for the private respondent(s)

The petitioner claims that his construction is interfered with by the private respondent no.4. To that effect, the petitioner claims that the private respondent no.4 demolished the boundary wall and is encroaching upon his property.

It has further been claimed that the private respondent no.4 is trying to change the nature and character of the property by using JCB machine.

State has submitted a report which reflects that there is a land dispute between the petitioner and the private respondent no.4 as also number of cases

have been initiated before the learned Executive Magistrate and, certain orders to that effect have also been passed.

Learned advocate for the respondent no.4 submits that there was measurement of the land, thereafter, the process of encroachment has started at the behest of the petitioner.

Be that as it may, the subject-matter of the dispute exclusively relates to the land in issue and the learned Civil Court would be the appropriate forum to decide the right, title and interest of the property concerned including the factum of any demarcation, if there is any dispute in respect of the same. The police authorities would only interfere and/or render assistance if the learned civil court passes any direction.

However, I find from the report that the police authorities have already drawn up a proceeding under Section

107/116(C) of the Cr.P.C. and, subsequently, a proceeding under Section 163 of the BNSS. There are number of General Diary Entries also.

Having considered the same, I am of the view that the police authorities would oversee that there is no untoward incident resulting from the strained relationship existing between the parties.

With the aforesaid observations, WPA 7699 of 2025 is disposed of.

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

Report so submitted be kept with the record. A copy of the report be handed over to the learned advocates for both the parties.

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.)

