

05.05.2025
Court No. 35
Item No.58
Rakib

W.P.A. 8635 of 2025

Gita Sardar & Anr.
VS
The State of West Bengal & Ors.

Ms. Deblina Chatterjee,
Mr. Souradipta Banerjee,
Mr. Ranojoy Mullick.
... for the Petitioners.
Mr. Vimal Kumar Shahi, Ld. AGP,
Ms. Pratiti Das.
...for State.

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

Petitioners complain that the private respondents
have been trying to encroach upon their land and to that
effect several informations have been furnished to the
police authorities but the police authorities did not take
any action. It has also been submitted that the petitioners
filed an application under Section 163(2) of the BNSS and
the learned Executive Magistrate directed the Officer-in-
Charge, Basanti Police Station to enquire and report.
Petitioners being aggrieved have approached this Court.

The enquiry report which has been enclosed along
with the writ petition reflects that both the parties had
been claiming to be the title holder of the scheduled land
and it was not possible for the police authorities to assess
regarding the genuineness of the same. It would be the
BL&LRO according to the police who would ascertain
regarding the actual ownership of the schedule land and

with that a report was submitted before learned Executive Magistrate.

State has submitted a report. Report reflects that apart from Section 163(2) of BNSS which has been filed by the petitioners before the Executive Magistrate, police authorities have also drawn up proceedings under Sections 126/135(3) of the BNSS.

Having considered that the police authorities have kept surveillance they would continue the same and ensure that no breach of the peace and/or tranquility results and/or any untoward incident happens because of the strained relationship existing between the parties.

With the aforesaid observations WPA 8635 of 2025 is disposed of.

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

Copy of the report be handed over to the learned advocate appearing for the petitioners.

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.)