

D/L21
06.05.2025
Rohit
ct.no.35

WPA 8747 of 2025

**Basab Naskar
Versus
The State of West Bengal & Ors.**

Mr. Lakshminath Bhattacharya
...for the Petitioner

Mr. Joydip Banerjee
Mr. Prabir Kr. Roy
... for the State

Ms. Chaitali Mukhopadhyay
...for the respondent No. 9

Affidavit-of-service filed in Court today be kept with the record.

Petitioner is aggrieved that although two suits being TS No. 282 of 2018 as also TS No. 393 of 2017 is pending before the learned Civil Judge, Junior Division, Kakdwip. The private respondents have changed the nature and character of the property by excavating the earth on the suit property which is referred to in the civil suit.

Petitioner informed the same to the local police station but the police authorities did not respond to the same.

Learned Advocate for the State has submitted a report. Report reflects that police

authorities recorded GD Entry No. 1028 dated 12.04.2025 and the proceedings under Section 126 of the BNSS.

Learned Advocate for the private respondents on the other hand submits that the petitioner's father surrendered rights of bargadar as such the petitioner has no right, title and interest over the property. It is an admitted position that the civil suit is pending between the parties and TS 393 of 2017 has been initiated by the respondent no. 9 against the petitioner. Such being the situation and an order being passed by the learned Executive Magistrate for maintaining status quo in respect of nature and character of the suit property and the complaint is to the extent that the character of the property has been changed. I am of the view that the petitioner will bring the same to the notice of the Civil Court for taking appropriate action for violation of the order passed by the Civil Court. Additionally petitioner would be at liberty to inform the BL&LRO as also the concerned authority under the West Bengal Fisheries Act for changing the character of the property, if the concerned authorities are of opinion that there has been a change in the character of the property they would inform the concerned police station for taking steps in accordance with law.

With the aforesaid observations WPA No. 8747 of 2025 stands disposed of.

Report so submitted be kept with the record.

All parties shall act on the Server Copy of this order duly downloaded from the Official Website of this Court.

(Tirthankar Ghosh, J.)