

08.05.2025
Court No. 35
Item No.306
Rakib

W.P.A. 9566 of 2025

Somiruddin Sekh.
VS
The State of West Bengal & Ors.

Ms. Busra Khatun,
Mr. Md. Kashif Alam,
Mr. Zeeshan Warish.

...for the petitioner.

Mr. Lakshminath Bhattacharya.

...for respondent no. 6 to 17

Mr. K.J. Yusuf, Ld. AGP,
Mr. Parikshit Goswami.

...for State.

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

Learned advocate appearing for the petitioner is
aggrieved by the fact that the petitioner happens to be the
owner in respect of 11 decimals of land and also claims
that in respect of 55 decimals petitioner is a bargadar.

On the other hand learned advocate for the
respondent nos. 6 to 17 submit that the private
respondents are the bargadars in respect of the 55
decimals claimed by the petitioner.

Additionally, it has been alleged by the petitioner
that the private respondents had been digging the soil for
construction of shop room.

However, State has submitted a report. Report
reflects that on information being received Kultali Police
Station case no. 158/2025 was registered for
investigation on 20.02.2025 and on completion of

investigation final report has been submitted as non-cognizable and prosecution has been drawn under Section 351(2) of BNS.

Having considered that the police authorities are having complete knowledge regarding the nature of dispute existing between the petitioner and the private respondents, I am of the opinion that the police authorities would oversee that there is no breach of the peace and/or tranquility and/or any untoward incident resulting from the inimical relationship existing between the parties.

Police authorities would additionally see that the nature and character of the property without the permission of the Civil Court should not be altered.

With the aforesaid observations WPA 9566 of 2025 is disposed of.

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

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.)