

D/L 161
14.05.2025
Kausik
ct.no.35

W.P.A. 9863 of 2025

**Shyamali Chandra
Versus
State of West Bengal & Ors.**

Mr. Akashdeep Mukherjee
Mr. Soumyadeep Nag
Ms. Soumali Das

...for the petitioner.

Mr. Kushal Chatterjee
Mr. Debrup Choudhury

...for the respondent no. 14.

Mr. Rajarshi Basu
Mr. Anirban Datta

...for the State.

Affidavit of service filed be kept with the
record.

Petitioner is aggrieved by the fact that he
has purchased a property wherein the private
respondents are dumping articles. When the
petitioner intends to remove the said articles he is
being obstructed and as such petitioner is unable to
enjoy the property which he has purchased.

Learned advocate for the private respondent
on the other hand submits that there is an existing
park which is maintained by the club and the said
park is existing for a considerable period of time.

Learned advocate for the State has submitted a report. Report reflects that a proceeding under section 163(2) Cr.P.C. has been initiated at the instance of the petitioner. Police authorities have kept a strict vigil. However, so far as the issues relating to the land is concerned, the police authorities would act in case the municipal authorities or the civil court passes any direction.

So far as the enjoyment of the property of the petitioner is concerned it would be the duty of the police authorities to see that over the said issue no untoward incident results because of the strained relationship which is reflected from the report as well as the communications made to the police authorities. Petitioner would approach the jurisdictional civil court for the nature of the remedies sought for, particularly removal of articles which include the play swing and other equipments for the children to enjoy. If there are any directions upon the police authorities by the civil court then only the police authorities would act by way of implementing the order of the civil court.

With the aforesaid observations WPA 9863 of 2025 is disposed of.

Report so submitted be kept with the record.

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

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)