

22.05.2025
Court No. 35
Item No.24
Rakib

W.P.A. 10069 of 2025

Santosh Jana.
VS
The State of West Bengal & Ors.

Mr. Ejaz Hossain,
Mr. Sk Mustak Ali.

...for the petitioner.

Mr. Anup Dasgupta.

...for respondent nos. 8 to 10.

Ms. Sipra Mazumdar,
Ms. Somashree Dey.

...for the State

Petitioner is aggrieved by the fact that he has been sanctioned permission for construction under the Pradhan Mantri Awas Yojana. However, the private respondents are raising obstruction in construction of the building and inspite of informing the police authorities no action has been taken.

Learned advocate appearing for the private respondents submit that they have preferred a civil suit and in the civil suit although injunction was refused but Advocate Commissioner was appointed. The Advocate Commissioner has already conducted the inspection and on the next date he is supposed to filed his report. Learned advocate for the private respondents also submits that a portion of the common passage is being encroached by the petitioner and as such the difference and dispute has taken place between the parties.

Be that as it may, State has submitted a report which reflects that the police authorities have already drawn up proceedings under Section 126 of BNSS as there is dispute in respect of the land in issue.

Having considered that the police authorities are aware regarding the nature of the dispute and as such have drawn up proceeding under Section 126 of BNSS, I am of the view that the police authorities would keep a strict vigil and ensure that no breach of the peace and/or tranquility takes place and/or any untoward incident results because of the strained relationship existing between the parties.

As the learned Civil Court is already in seisin of the issue, learned Civil Court will pass necessary direction after the report is submitted by the Advocate Commissioner and in case the learned Civil Court passes any specific order, the police authorities would respect, obey and implement the order of the learned Civil Court.

With the aforesaid observations WPA 10069 of 2025 is disposed of.

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

Copy of the report be handed over to both the parties.

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.)