

D/L 11
18.02.2025
Kausik
ct.no.35

W.P.A. 10563 of 2023

**Nur Mahammad Kayal & Ors.
Versus
State of West Bengal & Ors.**

Mr. S.K. Bhattacharyya
Mr. S. Burman

...for the petitioner.

Mr. Gora Chand Samanta

...for the private respondent
nos. 5, 6 & 7.

Mr. Amal Kr. Sen, AGP
Mr. Lal Mohan Basu

...for the state.

Affidavit of service so filed be kept with the
record.

Petitioner has approached this court as they
are aggrieved by the inaction of the police authorities
as in spite of receiving repeated information in the
year 2022 and 2023, the police authorities were
unable to assist them and which encouraged the
private respondents.

Petitioner complains that the private
respondents are trying to illegally encroach his land
and in spite of directions from the Executive
Magistrate, no action has been taken by the police
authorities.

State has submitted a report. Report reflects otherwise. However, police authorities are never empowered to decide the right, title, interest and possession of any individual. It is the absolute duty of the civil court to adjudicate such issues. Police authorities have taken steps under section 107/116 of the Code of Criminal Procedure in both in the year 2022 and 2023.

Learned advocate for the private respondents submits that, the petitioner is trying to distort facts and create his dominion over the property by way of misleading narrations which have no relation with the ground reality and as such no directions be passed and the writ petition be dismissed.

I have considered the contentions of all the parties and I have taken into account the nature of the dispute for which the police authorities have restricted powers to interfere.

The relationship at present is strained. Accordingly, police authorities would ensure 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.

With the aforesaid observations WPA 10563 of 2023 is disposed of.

Report so submitted be kept with the record.

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

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

(Tirthankar Ghosh, J.)