

26.06.2025
Item No.86
Ct. No.35
dc.

W.P.A. 12564 of 2025

**Sahanur Molla
versus
The State of West Bengal & Ors.**

Mr. Mohinoor Rahaman,
Mr. Imdadul Biswas,
Ms. Maria Rahaman ... For the Petitioner.

Mr. Swapan Banerjee, AGP,
Ms. Sumita Shaw,
Mr. Diptendu Narayan Banerjee,
Mr. Soumen Chatterjee ... For the State.

Mr. Kallol Kumar Basu,
Md. Jannat Ul Firdous,
Mr. Rajsekhar Hota
... For the Respondent Nos. 5 to 8 & 10.

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

Report submitted by the learned advocate
appearing for the State be also kept with the record.
A copy of the report be handed over to the learned
advocates appearing for the petitioner and the
respondent nos. 5 to 8 and 10.

Learned advocate appearing for the petitioner
submits that the record of rights are in the name of
the petitioner which is a burial ground and in spite
of the same, the private respondents are raising
their construction and in spite of informing the
police authorities, no steps are being taken.
Additionally, it has been submitted that in respect
of the initial incident, police authorities registered
Basirhat Police Station Case No. 451 of 2025 dated
26.05.2025, but since the police authorities did not

take any stern action, the private respondents were adamant for which again an incident took place for which the police authorities did not take any steps when cognizable offences were repeatedly committed at the behest of the private respondents.

Learned advocate appearing for the private respondent nos. 5 to 8 and 10, on the other hand, claims to be owner of the land and the construction which is being alleged, according to the private respondents, has already been completed.

State has submitted a report which reflects that the petitioner did not produce any medical reports to the police authorities. Consequently, in respect of the incident of 02.06.2025, no steps could be taken. However, notices were served upon the private respondents and an enquiry was conducted. Subsequently over the incident, a proceeding under Section 126 of BNSS has been drawn up by the police authorities.

So far as the issue relating to legality and illegality of the construction is concerned, the police authorities are not empowered to act until and unless directed by the appropriate authorities. However, having regard to the fact that both the parties are trying to establish their rights over a particular plot of land, there is bound to be a strained relationship.

It has been informed that a separate writ petition has been preferred by the petitioner for demolition of the alleged illegal construction.

Since another writ court is in seisin of the issue so far as the construction is concerned, this Court will not enter into the said domain. The surveillance of the police authorities be continued and there should not be any crisis in law and order situation because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 12564 of 2025 is disposed of.

There will be no order as to costs.

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.)