

02.07.2025
Item No.138
Ct. No.35
dc.

W.P.A. 13443 of 2025

Prafullya Sardar & Ors.
versus
The State of West Bengal & Ors.

Mr. Sabyasachi Mondal,
Mr. Soumen Pradhan,
Mr. Sarthak Dey,
Mrs. Puja Naskar,
Mr. Amir Sohel,
Ms. Payel Khanra ... For the Petitioners.

Mr. K. J. Yusuf, AGP,
Mr. Parikshit Goswami ... For the State.

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 advocate appearing for the petitioners.

The petitioners complain that the private respondents initially dismantled trees for which the petitioners approached the local police station. Being aggrieved by such approach to the police station, the private respondent became much more aggressive and to that effect, spread poison on the paddy and thereafter grabbed the property of the petitioners for the purposes of construction.

State has submitted a report which reflects that on interference by the police authorities, the construction work has been stopped; proceedings have also been drawn up under Sections 126/135

of BNSS against the private respondent no.7 herein and presently the situation is peaceful.

The aforesaid fact is disputed by the learned advocate appearing for the petitioners and submits that the private respondent no.7 is aggressive, adamant and is continuing the construction work.

Having considered the plight expressed by the petitioners so far as the construction work is concerned, if the same is still continuing, the petitioners will approach the jurisdictional civil court if there has been interference with their property since there is a disputed question of fact as the police authorities claimed that no construction is taking place while the petitioners intend to rely upon certain photographs and submit that the construction work is in progress.

So far as the interference with the crops is concerned, if the petitioners are faced with further inconveniences, police authorities would assess whether any cognizable/non-cognizable offence is made out and by taking necessary permission from the learned jurisdictional Magistrate would take steps so that the crops at least are not wasted by poison spray which is the main allegation of the petitioners.

For the time being, the police authorities would keep continue their surveillance and ensure that no untoward incident results because of the

strained relationship existing between the petitioners and the private respondent.

Needless to state that since the State-respondents have not used any affidavit, the allegations and/or accusations made in the writ petition are deemed not to have been admitted by the State-respondents.

With the aforesaid observations, the writ petition being WPA 13443 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.)