

23.07.2025
Item No.12
Ct. No.35
dc.

W.P.A. 13499 of 2025

Biren Kumar Sarkar
versus
The State of West Bengal & Ors.

Mr. Niladri Sekhar Ghosh,
Mr. Md. M. Nazar Chowdhury,
Mr. Souvik Dey,
Ms. Farheen Rais ... For the Petitioner.

Mr. Rajarshi Basu,
Mr. Arun Kumar Saha ... 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 petitioner.

The petitioner claims to be a lawful occupant of a premises situated at B-8/16 (CA), Kalyani, Nadia. According to the petitioner, he has been forcefully dispossessed and restrained from entering his premises by certain miscreants and trespassers. Petitioner further alleges that despite repeated representations, no steps have been taken and petitioner and his family members are without any roof presently.

Learned advocate appearing for the State has submitted a report with a history of two cases being Kalyani P.S. Case No. 791 of 2024 dated 30.09.2024 and Kalyani P.S. Case No. 1022 of 2024 dated 13.12.2024. Further there are series of

general diary entries which have been registered pursuant to information furnished with Kalyani Police Station. One of the criminal cases which has been registered is at the behest of the elder brother of the petitioner and the other criminal case is initiated pursuant to the information furnished by the present petitioner.

Petitioner presently claims that the elder brother has handed over the house to the miscreants who have thrown away the petitioner and his family members. The prayers which have been advanced in the writ petition include amongst others restoration of peaceful possession of the petitioner so that the petitioner and his family members can enter the residence and no obstruction is created at the time of their entry.

I have considered the report which also encloses an enquiry being conducted by the Sub-Inspector of Kalyani Police Station. The report reflects that after demolition of the house, the petitioner and his family members never resided at the land or outhouse located at B-8/16 (CA), Kalyani PS, Kalyani, Nadia. Petitioner disputes such contention and submits that there is an existing residential house.

In case there is an existing residential house, petitioner would approach the jurisdictional civil court for restoration of possession. If any direction

is passed upon the police authorities for such restoration of possession and for entering the premises, police authorities would respect, obey and implement such order.

With the aforesaid observations, the writ petition being WPA 13499 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.)