

D/L 65
15.07.2025
Bpg.
ct.no.35

W.P.A.13725 of 2025

**Sanjib Hazra & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Bikash Goswami
Mr. Osman Gani Mallick
Ms. Satabdi Bhattacharyya.
...for the petitioners.

Mr. Asim Kr. Ganguli
Mr. Tarak Karan.
...for the State-respondents.

Mr. Bijoy Bag
Mr. Tarak Nath Sarkar.
...for the respondent nos. 4 to.7.

Affidavit-of-service filed by the petitioners be
kept with the record.

Petitioners apprehend that they may be
dispossessed from the property and in spite of
informing the police authorities, no action has been
taken. Attention of the Court has been drawn to the
information which was furnished to Daspur Police
Station where the petitioners themselves have raised
the apprehension that the private respondents may
demolish the building where they are staying and to
that effect has informed the local police station. In the
prayer of the writ petition, it has been stated that the
petitioners have a sanction plan for construction of a

building and, as such, intend to raise construction at the land referred to in the representation.

State has submitted a report. According to the State, the land is undemarcated plot and, as such, there is a dispute between the petitioners and the private respondents. Police authorities have reduced the information furnished into a G.D. Entry and subsequently drawn up proceeding under Section 126 of the BNSS.

Learned advocate appearing for the respondent nos.4 to 7 submits that a civil suit being T.S. 79 of 2024 has been preferred before the learned Civil Judge (Senior Division), Ghatal. As such, any direction on the police authorities would prejudice the private respondents since the land according to them is subject matter before the civil court.

Learned advocate for the petitioners has drawn the attention of the Court that the civil suit which was filed being T.S. No.79 of 2024 has been dismissed for default.

Be that as it may, each of the learned advocates have canvassed their cause, but primarily, I find that there is a private dispute between the parties for which the interference of the police authorities are hardly warranted until and unless

there is a specific cause of action for dealing with the law and order situation.

Police authorities will act on issues as and when direct by the appropriate authorities, so far as the right, title, interest and possession of the land is concerned it is only the civil court which is empowered to decide the same.

However, having regard to the present relationship between the parties, I am of the view that police would only restrict themselves so that no untoward incident results because of the inimical relationship existing between the petitioners and the private respondents.

With the aforesaid observations, WPA 13725 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)