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jdt. 01.12.2025  
jb.

**WPA 14806 of 2023**  
**(Santana Banga vs. State of West Bengal & Ors.)**

**Mr. Abir Ghosh**  
**Mr. Biswajit Choudhury**  
**Mr. Jaten Manga**  
.... For the Petitioner  
**Mr. Suman Ghosh**  
**Ms. Mita Bag**  
.... For the State

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

None appears for the private respondents despite service.

Learned counsel for the petitioner submits that the petitioner is the owner and occupier of the land in question. Every time she is trying to reconstruct boundary wall in the property, the outsiders as well as the 4<sup>th</sup> respondent are demolishing the same. The petitioner approached the police authority by several complaints which were not heeded to.

Learned counsel for the State submits that pursuant to a complaint lodged by the petitioner on 4<sup>th</sup> August, 2022 a specific case was registered. The petitioner refused to have her statement recorded under Section 164 of the Code of Criminal Procedure and identity of the alleged wrong doers was not traced. Investigation culminated in submission of a final report. Subsequently the petitioner lodged a further complaint which was diarised. During investigation it has transpired that the club of the 4<sup>th</sup> respondent has been possessing the property in question for last 70 years.

Since both the parties claim to be in possession of the property, the dispute is essentially civil in nature. Such factual disputes shall not be adjudicated by this Court in exercising jurisdiction under Article 226 of the Constitution.

The petitioner is at liberty to approach before the appropriate forum for redressal of her grievance.

In the meantime, the police authority is directed to keep strict vigil in order to avoid untoward incident and to maintain peace and tranquility.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Suvra Ghosh, J.)**