

29.07.2025
Court No. 35
D/L. No.77
Rakib

W.P.A. 16005 of 2025

Goutam Sarkar
VS
The State of West Bengal & Ors.

Mr. Mani Shankar Chottapadhaya
...for the Petitioner.
Mr. Suman Sengupta
Mr. Sandip Bose
Ms. Tanusri Pal Chowdhuri
...for the State.

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

Petitioner is aggrieved by the fact that the petitioner intends to repair a part of the building where he has been residing for a considerable period of time but the same is being resisted by the private respondent no.4. There are other issues which have their genesis in the dispute between the petitioner and the private respondent no.4.

State has submitted a report. Report of the police authorities reflects that there was no residence situated at the vacant land and only an abandoned, old, dismantled, demolished shop room was existing. Petitioner did not mention in the application under the relevant provisions of the BNSS that any residence was existing at the plot which has been referred to.

Having regard to the fact that there is only an abandoned shop room as contended by the police authorities and as there is no residence and the petitioner

complains that the respondent no.4 has been creating obstruction and trying to encroach upon the property of the petitioner, I direct that in case appropriate direction are passed by the jurisdictional Civil Court, police authorities would respect such order.

So far as the police authorities are concerned they would oversee to the effect that no untoward incident or any breach of the peace and tranquility takes place over the land in issue between the petitioner and the private respondent no.4.

With the aforesaid observations WPA 16005 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)