

D/L 2
14.08.2025
Bpg.
ct.no.35

W.P.A.17412 of 2025

**Anil Bhakta
Versus
The State of West Bengal & Ors.**

Mr. Goutam Banerjee.
...for the petitioner.

Ms. Kakali Samajpaty
Mr. Prabhleen Bharara.
...for the State-respondents.

Mr. Sauradeep Dutta
Mr. Himadree Ghosh.
...for the private respondents.

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

Learned advocate appearing for the petitioner claims that his land is being forcefully cultivated by the private respondents. To that effect, petitioner preferred an application under Section 163(2) of the BNSS but in spite of the police authorities knowing the same, no steps have been taken.

State has submitted a report. Report reflects that there has been a long standing land dispute existing between the petitioner and the private respondents.

So far as the provisions of Section 163(2) of the BNSS are concerned, the same relate to maintenance for violation of peace and tranquility and

are for limited period of time, police authorities cannot decide who would be authorized to cultivate or be the user of the property or in respect of title and interest of the property. Accordingly, police authorities restrain themselves and act in consonance with law. They have also submitted their report before the concerned Executive Magistrate.

Be that as it may, records reflect that a proceeding under Section 126/135 of the BNSS has been drawn up by the police authorities.

In view of the nature of the dispute, police authorities have a limited role to be involved as prima facie it reflects the dispute is with regard to a land. The right, title, interest, usage and/or occupation of the land is to be decided by the civil court and it is for the police authorities only to ensure that there is no violation of law and order.

Having considered the same, I am of the view that police authorities would only involve if there is violation of law and order and not in respect of any other issues.

With the aforesaid observations, WPA 17412 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

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

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.)