

03.09.2025
Item No.6
Ct. No.35
dc.

W.P.A. 19567 of 2025

**Nikunja Bihari Paul
versus
The State of West Bengal & Ors.**

Mr. Amit Roy ... For the Petitioner.

Mr. Tapan Coomaar Dey,
Ms. Shayani Das ... For the State.

Mr. Kushal Paul,
Ms. Soma Chowdhury Bandhu ... For the Respondent No.4.

Report submitted by the learned advocate appearing for the State be kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and the private respondent.

Petitioner complains that the Inspector-in-Charge, Raiganj Police Station is not rendering assistance and at the behest of the private respondent no.4, there has been intentional commission of theft and forceful occupation of his property situated at Ashok Pally, Raiganj, North Dinajpur. It has also been alleged that the caretaker of the petitioner was manhandled and the petitioner and his wife have not been allowed to enter into the property and enjoy the property.

State has submitted a report which reflects that earlier on the written information sent by the petitioner, two specific cases were registered being Raiganj P.S. Case No. 69 of 2025 dated 24.01.2025 and Raiganj P.S. Case No. 415 of 2025 dated

30.04.2025. Subsequently proceedings have been drawn up under Section 126 of BNSS.

Learned advocate appearing for the private respondent no.4 submits that the property referred to in the writ petition is a joint property. So far as the accusations relating to theft and forceful occupation are concerned, the same are without any foundation. It has also been submitted that since the property is a joint ancestral property, the proportionate area which was used by the petitioner can be used and to that effect, there is no hindrance for the petitioner or his family members to use the same.

Since the private respondent no.4 has made submissions that he has not created any hindrance to the petitioner to enter the property and the report of the police authorities reflects that frequent patrolling is being conducted in the disputed area and a proceeding under Section 126 BNSS has also been drawn up, I am of the view that there is no restriction for the petitioner to enter the portion occupied by him previously. To that effect, if any assistance is called for, police authorities will render assistance.

With the aforesaid observations, the writ petition being WPA 19567 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.)