

19.09.2025

Court No.35
Sl. No.25
Mujahid

WPA 20254 of 2025

Surajit Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Goutam Misra,
Ms. Cardina Roy,
Mr. Soumitra Dey,
Mr. Vaskar Pal

...for the petitioner

Mr. Amitabrata Roy, Ld. GP.,
Mr. Debapriya Chatterjee,
Ms. Anadipta Sengupta

...for the State

- 1.** Affidavit of service filed by the petitioner be kept with record.
- 2.** Learned Advocate appearing on behalf of the petitioner complains that the private respondents are dismantling and taking out the logs of the mahogany tree which is exclusively belonging to the petitioner.
- 3.** Attention of the court has been withdrawn to the order passed in T.S. 61 of 2021 wherein an interim order of injunction in the nature of status quo for not changing the nature, character and possession of the suit property has been passed by the learned Civil Judge (Jr. Div.), 6th Court, Alipore.
- 4.** State has submitted a report, report reflects that permission was granted by the Panchayat.

5. I have considered the contents of the said permission sought for. The permission was sought for the limited extent of the branches causing disturbance and being dangerous and affecting the property of the respondent who is enjoying the adjacent property. In view of the nature of the dispute police authorities have also drawn up proceedings under Section 324(2) of the BNSS, 2023. Petitioner's agony is that there is an attempt to dismantle and take away the log of the mahogany tree. The same is not substantiated in the record. However, I find that police authorities on or about in the month of August, 2025, draw up proceedings under Section 126 of the BNSS, 2023, so presumably there is apprehension of breach of the peace. Considering the same I direct the police authorities to continue the surveillance and ensure there is no violation of law and order.

6. With the aforesaid observations WPA 20254 of 2025 is disposed of.

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

8. Copy of the reported be handed over to both the parties.

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

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)