

09.09.2025
Sl. No.48
Ct No. 35
SG

WPA 20530 of 2025

Najmonihar Sardar

Vs

State of West Bengal & Ors.

Mr. Firdous Samim,
Ms. Gopa Biswas,
Mr. Mainak Ghosal.

...for the petitioner

Mr. Sagnik Chatterjee,
Ms. Sreemayee Mitra Das.

...for the State

Petitioner complained that in spite of a sanctioned plan being granted by the appropriate authority for construction, she is being obstructed from raising construction according to the sanctioned plan. To that effect information was furnished to the police authorities and no steps has been taken.

On the other hand, learned Advocate for the State submits that the land which is being claimed to be inherited i.e. L.R. Khatian No. 358/1, 1129, 791, J.L. No. 35, L.R. Plot No. 612, 613, 631, 734, 735, 738, 753, 792, 794, on inquiry it was found that petitioner are having ownership of the land citing L.R. Khatian No. 358/1, 1129,791, J.L. No. 35, L.R. Plot No. 612, 613, 631, 734, 735, 738, 753, 793, 794 measuring 60 satak which she claimed to be registered in her name. An inquiry was conducted by the police authorities and it

was found that the construction which was being made was beyond the boundary line, thereby encroaching upon the land identified as government property. Officials from the irrigation department visited the disputed site and directed the petitioner to stop further construction on the land. Consequently, the petitioner approached the SDO, Basirhat for permitted construction. However, the police authorities could not lay hands on such an application being forwarded to SDO, Basirhat. Several proceedings have been reflected in the report under Section 126 of BNSS.

Be that as it may, since the dispute is raised by the officials of the irrigation department itself, so far as construction beyond the boundary line is concerned, I am of the view that the police authorities is hardly have any role since another limb of the administration has raised the objection. Having regard to the nature of the dispute complained of, petitioner will address the issue of the property before an appropriate forum, which is complained/ alleged to be encroached so far as transgressing of the boundary line and encroaching upon the land of the irrigation department is concerned. In case the said dispute is settled, the police authorities would definitely render assistance so that there is no interference in raising construction.

With the aforesaid observation, WPA 20530 of 2025 is disposed of.

Report submitted by the State is kept with the record. A copy of the report be handed over to the learned Advocate for the petitioners.

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.)