

D/L 36
24.09.2025
Bpg.
ct.no.35

W.P.A.22043 of 2025

**Sk Sukur Ali @ Sekh Sukur
Versus
The State of West Bengal & Ors.**

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosh.
...for the petitioner.

Mr. Wasim Ahmed
Mr. Harun-Al-Rashid.
...for the State-respondents.

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

Petitioner complains that information has
been furnished with the Inspector-in-Charge,
Serampore Police Station to the effect that in spite of
T.S.403 of 2022 pending and a specific direction
passed by the learned Civil Judge (Junior Division),
2nd Court, Serampore, Hooghly restraining the
defendants from disturbing the peaceful possession
and enjoyment of the property, the private
respondents buried a dead body on the property of
the petitioner. To that effect, altercation took place
between the petitioner and the private respondents
where the private respondents were subjected to
harassment overpowered and the civil court's order
being violated.

Having considered the ramification of the issue which has been canvassed and informed to the Inspector-in-Charge, Serampore Police Station, I direct the Deputy Commissioner of Police-in-Charge of Serampore Police Station would assess regarding the grievance that in spite of the land not being a burial ground, the private respondents have used the same.

On the other hand, learned advocate appearing for the State submits that the property is undemarcated and, according to the records available with the police authorities, the same is a burial ground.

The contentions advanced on behalf of the petitioner and the State are disputed question of facts. Since no specific clarification is there from the civil court, if required, the police authorities would approach the jurisdictional civil court and/or the land authorities, thereby informing and/or taking steps for demarcation regarding the nature and character of the property. If there are further grievances of the petitioner, petitioner would address the same before the civil court. Over the said issue, police authorities would keep a strict vigil and ensure that there is no further similar steps being taken until and unless the

superior officer of the police is subjectively satisfied regarding the nature and character of the property.

With the aforesaid observations, WPA 22043 of 2025 is disposed of.

There will be no order as to costs.

All 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 given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)