

December 19, 2025

(4) ARDR

WPA 24644 of 2025

Swadesh Mandal

Vs.

The State of West Bengal & ors.

Adv. Soumen Bhattacharjee,
Adv. Ankan Das,
Adv. Shradhya Ghosh,
Adv. Sandeep Chakraborty,

... for the petitioner.

Adv. Gora Chand Samanta,
Adv. Souvik Biswas,

...for the respondent no.8.

Adv. Saikat Chatterjee,
Adv. Usani Pal,

...for the State.

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

The petitioner claims to be in possession of a patta land by way of inheritance from his predecessor in interest and alleges that the private respondent has encroached upon the same and has raised unauthorised construction therein.

Opposing the said allegation, learned counsel for the private respondent submits that a portion of the land was transferred to the private respondent before about twenty-six years and this respondent is in possession of the said portion since then.

Since the petitioner alleges that the complaint lodged by the petitioner before the police authority has not be considered, he is at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS.

In the meantime, the police authority shall keep strict vigil over the area and ensure that there is no breach of peace and tranquility.

With the direction, the writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)