

December 24, 2025
(18) ARDR

WPA 24905 of 2025

Salam Halder
Vs.
The State of West Bengal & ors.

Adv. Mohammed Khairul,
Adv. Sk. Shabibun Ullah,
Adv. Shabab Aloam,
...for the petitioner.
Adv. Sounak Bhattacharya,
Adv. Sounak Mandal,
...for the respondent nos. 5 to 13.
Adv. Sipra Majumdar,
Adv. Srilekha Bhattacharyya,
...for the State.

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

Learned counsel for the petitioner submits that the petitioner and his brothers are raising construction in their own land upon obtaining sanctioned plan and building permit from the relevant authorities. The private respondents who are local goons are obstructing the petitioner from raising such construction. Several complaints lodged by the petitioner before the police authority in this regard have not been acted upon.

Denying such allegation, learned counsel for the private respondents submits that the land in question is classified as “danga” land and the petitioner is not entitled to raise construction therein. A complaint has been lodged before the Maheshtala Municipality by the private respondents in this regard. A stop work notice has been issued by the Municipality upon the petitioner.

Upon consideration the submission made on behalf of the parties, this Court is inclined to hold that the dispute between the parties with regard to legality of the construction shall be dealt with by the appropriate forum. Since the complaints lodged by the petitioner have not been acted upon by the police authority, the petitioner is at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS for redressal of his grievance.

In the meantime, police authority shall keep strict vigil over the area to avoid any untoward incident and to ensure maintenance of peace and tranquility.

With the above direction, the writ petition is 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.)