

19.12.2025
rc/ct.no.05
Item No.20

WPA No. 27623 of 2025
Somnath Mitra
Versus
The State of West Bengal & Ors.

Mr. Vivek Kumar Tripathy	
Mr. P.P.Mukhopadhyay	..for the Petitioner
Mr.Suddhadev Adak	for the State
Mr. Sauradeep Dutta	
Mr. Himadree Ghosh	...for the private respondent

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner alleges that though he is the owner of the land in question, the private respondent has trespassed into the said land illegally and has raised unauthorized structure therein. The complaint lodged by the petitioner before the police authority has not been considered.

Denying the allegation of the petitioner learned counsel for the private respondent submits that the private respondent has been running business in the said land for the last 40 years and possesses registration and enlistment certificates for the same.

Since the petitioner is aggrieved by the act of illegal trespassing and unauthorized construction by the private

respondent, he is at liberty to approach the appropriate court for redressal of his grievance. In the event the complaint lodged by the petitioner has not been acted upon by the police authority, the petitioner can approach the jurisdictional Magistrate under Section 175 of the BNSS.

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

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 writ 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)