

M/L 276
21.08.2025
ct.no.35
Kausik

W.P.A. 28204 of 2024

**Somnath Basu & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Raghunath Chakraborty

...for the petitioner.

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi

...for the State.

Petitioner is aggrieved by the fact that the residence of the petitioner was encroached by the private respondents. There was a civil suit earlier pending but the same was dismissed and the private respondents took advantage of the same, thereby encroaching the property of the petitioner. To that effect, information was furnished with the police authorities, but no steps have been taken. It has been submitted that presently the civil suit has been restored.

Bt that as it may, so far as the right, title and interest in a property is concerned, it would be for the civil court to decide the same. However, the police authorities being law enforcement agency are bound to maintain law and order.

In view of the report submitted that no steps have been taken, petitioner is granted liberty to approach the jurisdictional Magistrate under section 175(3) of the BNSS. Learned Magistrate would assess and ascertain regarding the genuinity of the allegations and thereafter pass necessary directions as he deems fit and proper.

It is further directed that the police authorities would oversee that no breach of peace and/or tranquility takes place and/or any untoward incident further results because of the inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations WPA 28204 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)