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17.09.2025
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ct.no.35

W.P.A.30633 of 2024

**Ruidas Bain & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Pradip Kumar Ray
Ms. Sumedha Mukhopadhyay
Ms. Shruti Mitra.
...for the petitioners.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata.
...for the State-respondents.

Report submitted by the Inspector-in-Charge, Goalpokher Police Station, Islampur Police District, Uttar Dinajpur categorically stated that the issue relating to dismantling occurred during demarcation of the land. The specific answer to this was that the BL & LRO, Goalpokher-I Block, Dist.- Uttar Dinajpur vide Memo No.672/BLLRO-G-1/2025 dated 11.09.2025 answered that on 22.11.2024 the officials concerned had not dismantled any structure during the time of demarcation exercise or after completion of the demarcation exercise.

Petitioners have relied upon photographs to substantiate that the structures have been dismantled. The said structures are tin shed structures. However, the report speaks otherwise.

Petitioner approached this Court with prayers for registration of the FIR in terms of the information filed on 02.12.2024 (supplementary affidavit) transferring the investigation to CBI. Petitioners have relied upon the earlier orders passed by the BL & LRO, Goalpokher-I Block, Uttar Dinajpur as well as the Sub-Divisional Officer, Uttar Dinajpur and the revenue officer under the provisions of WBLR Act, 1955.

Having considered the factum that the police report primarily rules out the issue relating to dismantling of any structure, a disputed question of fact arises as the photographs so relied upon cannot be conclusively said to be of the same plot of land in respect of which orders have been passed.

The allegations in the communication which was advanced on 08.12.2024 (to be treated as 02.12.2024) were in respect of dismantling the structures along with trees at the behest of the Government Officials which were not taken into account. Petitioners complain that the accusations make out a cognizable offence and, as such, it was incumbent upon the Inspector-in-Charge to register FIR.

Having considered that the date on which the offence took place by the said time, the present BNSS

came into operation. Consequently, the petitioners would be at liberty to approach the jurisdictional Magistrate under Section 175(4) of the BNSS. Learned Magistrate would adhere to the provisions of law and pass necessary directions as he deems fit and proper.

With the aforesaid observations, WPA 30633 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioners.

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.)