

Court No. 2
(1545)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

04.11.2025
(JPD 6)

WPA 2057 of 2025

(S. Banerjee)

Sri Jyoti Prakash Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Vaskar Saha
Mr. Subhrajyoti Dey
Mr. Avimannu Das

... for the petitioners

Ms. Bedashruti Bose
Mr. Sandip Guha Roy

... for the State

Affidavit of service filed in court today be kept
with the record.

Learned advocate appearing for the petitioners
submits that the private respondents have been
duly served.

None appears for the private respondents.

The petitioners claim to be the recorded owner
of land being LR Dag No. 2558, LR Khatian No. 200
and 500 under Police Station – Naxalbari within
Mouza – Bhimram in the district of Darjeeling.
Petitioners allege that all on a sudden on July 7,
2024 the respondent nos. 8 and 9 came to the plot
of the petitioner and started to grab the possession

of the said land for the purpose of setting up illegal possession of the property.

Petitioners further alleges that when the petitioners resisted the private respondents, they threatened him of dire consequences. The petitioners claim to have submitted several representations before various authorities including the Officer-in-Charge, Naxalbari Police Station.

Learned advocate appearing for the petitioners submits that in spite of the fact that a complaint has been lodged before the concerned police station, no steps have been taken pursuant to such complaint by the police authorities.

Learned advocate representing the State files a report of the Sub-Inspector of Police in-Charge of Naxalbari Police Station dated November 3, 2025, which is taken on record.

After going through the nature of the allegations made in the complaint lodged with the Officer-in-Charge of the local police station and the averments made in the writ petition, it appears to this court that the dispute between the petitioners and the private respondents is purely civil in nature. The petitioners allege dispossession from an immovable property without due process of law.

It will be open to the petitioners to approach the competent civil court praying for appropriate relief in respect of alleged forceful dispossession from an immovable property. Neither the police authorities nor the Panchayat authorities have been vested with the power to decide an issue regarding wrongful dispossession of a person from an immovable property.

It appears from the report filed by the Sub-Inspector of Police in-Charge of Naxalbari Police Station that pursuant to the complaint lodged by the petitioner a prosecution under Section 126 of the BNSS has already been initiated. Thus it appears to this court that the police authorities have acted on the basis of complaints lodged by the petitioner.

Learned advocate appearing for the State further submits that the police authorities are keeping a strict vigil at the locale.

In view thereof, this writ petition stands disposed of by directing the Officer in-Charge, Naxalbari Police Station to maintain peace and tranquility at the locale and to keep a strict vigil so as to prevent any untoward incident.

(Hiranmay Bhattacharyya, J.)