

WPA 4955 of 2026

**Naba Kumar Maji & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. M.A. Samad
Ms. Priyanka Sharma
Mr. Taher Ahamed
...for the petitioners

Mr. Uday Narayan Belal
Mr. Bhaskar Hutait
...for the respondent nos. 5 to 10

Mr. Pantu Deb Roy
Mr. Panna Lal Bandyopadhyay
...for the State

Mr. Imtiaz Belal
...for the respondent no. 12

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioners, State respondents and private respondents.
3. It is submitted that though petitioners are the owners of the land in question but this Court vide order dated 12th March, 2026 passed on a writ petition being WPA 6083 of 2026 directed the police authorities to grant permission thereby permitting the petitioners to hold fair for a particular period. It is submitted that since petitioners are the owners of the land in question, private respondents do

not have right to hold fair on the land in question.

4. In addition thereto, it is also prayed in this writ petition directing the concerned police authorities to register FIR based on the complaint lodged by the petitioners.
5. Learned advocate representing the private respondents has submitted that previously a title suit being TS No. 27 of 2021 was instituted by the petitioners and the suit was dismissed for default vide order dated 06th December, 2025 by the Civil Judge (Jr. Division), Additional Court, Ghatal. It is also submitted that after dismissal of the suit no steps were taken.
6. In the order passed by this Court on 12th March, 2026 on the writ petition being WPA 6083 of 2026 this Court did not decide *inter se* right of the parties to that writ petition on the land in question and it was specifically clarified in paragraph 8 of the said order that the order dated 12th March, 2026 shall not be construed as an order deciding the right of the petitioners in that writ petition over the plot of land in question.
7. Hence, if petitioners have grievance relating to holding fair by the private respondents, they

are at liberty to take steps in accordance with law by approaching appropriate forum.

8. In this writ petition direction is sought for upon the concerned police authority to register FIR. However, such prayer at this stage is found to be not maintainable. If petitioners have grievance relating to not registering FIR by the police authorities, they shall be at liberty to approach the jurisdictional Magistrate under Section 175 of BNSS, 2023.

9. Steps can also be taken in terms of Sections 210 and 223 of BNSS. In this regard reliance is placed on the judgment of the Hon'ble Supreme Court reported in **(2007) 6 SCC 171 (Aleque Padamsee and Others vs. Union of India & Others)**.

10. In aforesaid conspectus this Court is not inclined to interfere with this writ petition

11. Writ petition stands dismissed.

12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)