

14 **31.03.2026**
(DL) Court No. 05
 (Suwendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 5264 of 2026

Haripada Sardar
-Versus -

The State of West Bengal & Ors.

Mr. Giasuddin Mulla
Mr. Soumitra Banerjee
Mr. Utsab Ghatak

...for the petitioner

Mr. Sadhan Kumar Halder
Mr. Debabrata Koley

.....for the State respondents

1) Learned advocate representing the petitioner submits that a complaint was lodged on 26th February, 2026 before Sandeshkhali Police Station claiming his right to cultivate the land in question as Bargadar. Petitioner prays for direction upon the concerned police authority to provide assistance which would facilitate the petitioner to cultivate the land in question as Bargadar.

2) Mr. Sadhan Halder, learned advocate representing the State respondents has placed before this Court a communication dated 19th March, 2026 of Officer-in-

Charge of Sandeshkhali Police Station and same is taken on record. Copy of said communication dated 19th March, 2026 is made over to learned advocate representing the petitioner.

3) It is disclosed in said communication dated 19th March, 2026 that on receipt of the complaint from the petitioner on 26th February, 2026 issue was enquired into by the police authority and it was found that respondent nos. 6 and 7 laid claim over the land in question as according to those respondents they purchased said land.

4) However to maintain peace and tranquility at the locale a prosecution being Sandeshkhali Police Station Non-Cognizable Report No. 102/26 dated 5th March, 2026 under section 126 of the Bharatiya Nagarik Suraksha Sanhita, 2023 was submitted.

5) Having considered the submissions made on behalf of the parties and taking note of the contents of the communication dated 19th March, 2026, it appears that both the petitioner and respondent nos. 6 and 7 are claiming right over the land in question in respect of which a case is made out in this writ petition that petitioner is Bargadar and he has exclusive right to cultivate the said land.

6) In view of claim and counter-claim as it appears to have been made by the petitioner and respondent nos. 6 and 7 on the land in question, parties are required to

approach the appropriate forum in pursuit of their remedy. Police authorities are not authorized to decide *inter se* right of the parties over the land in question. However, concerned police authority is directed to maintain peace and tranquility at the locale and keep vigil.

7) Writ petition stands disposed of.

8) There shall be no order as to costs.

9) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)