

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

WPA 5713 of 2026

Souvik Das & Ors.
-Versus -
State of West Bengal & Ors.

Mr. Syed Nasirul Hossain
Md. Jalauddin

...for the petitioner

Mr. Suman Ghosh
Mr. Arka Mondal

....for the State respondents

Mr. Sandip Ghosh
Mr. Partha Sarkar

.....for the respondent nos. 5 & 10

- 1) Affidavit of service filed on behalf of the petitioners is taken on record.
- 2) Learned advocate representing the petitioners submits that private respondents are encroaching upon land of the petitioners unauthorizedly and they are making illegal construction on that land. It is alleged in the writ petition that private respondents are committing threat and criminal intimidation upon the petitioners and making unauthorized construction on encroaching land which compelled the petitioners to lodge complaints, one dated 26th January, 2026 and

another dated 12th March, 2026 before the concerned Police Station. Prayer is made in this writ petition for issuance of direction upon the concerned police authorities to provide protection.

3) Respondent nos. 5 and 10 are represented by learned advocate who denies allegations made by the petitioners and it is submitted that no complaint has been lodged before the Panchayat Pradhan against alleged unauthorized construction at the instance of the private respondents. It is submitted that private respondents did not make any illegal construction.

4) State respondents are represented by learned advocate who has placed before this Court one communication dated 12th March, 2026 of Officer-in-Charge, Sutahata Police Station, Purba Medinipur and same is taken on record.

5) It is disclosed in said communication dated 12th March, 2026 that on receiving a complaint through Superintendent of Police, Purba Medinipur dated 12th February, 2026 prosecution under section 126 of the Bharatiya Nagarik Suraksha Sanhita was submitted against the private respondents being Sutahata Police Station NCR No. 187 dated 23rd February, 2026. It is also disclosed that based on complaint dated 12th March, 2026 a criminal prosecution being Sutahata Police Station Case no. 73/26 dated 12th March, 2026 under certain provisions of Bharatiya Nyaya Sanhita was initiated and investigation is in progress. It is contended that encroachment of land as alleged by the

petitioners by the private respondents is civil dispute and police has no role to play in this regard.

6) Having considered the respective submissions made on behalf of the parties and taking note of the communication dated 12th March, 2026, it is found that steps have been taken by the concerned police authorities by initiating criminal prosecution being Sutahata Police Station Case No. 73/26 dated 12th March, 2026. Court expects that steps taken by the police authorities shall be taken to logical conclusion.

7) If petitioners have grievance against the private respondents as it is submitted that private respondents are making illegal construction on encroaching land of the petitioners, petitioners shall be at liberty to take steps in accordance with law since police authority is not the appropriate authority to decide nature of construction.

8) However, concerned police authorities are directed to maintain peace and tranquility at the locale.

9) Writ petition stands disposed of.

10) There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)