

27
17.03.2026
Ct. No. 05
adeb

WPA 5471 of 2026

Bidhan Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Dinesh Pani
Ms. Sulagna Sen
...for the petitioner

Mr. Ambarnath Banerjee
Mr. Arun Kumar Ghosh
...for the State

Mr. Sanjib Mukhopadhyay
Md. Nasim Ali
Ms. Nargish Parveen
...for the private respondents

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Learned advocate representing the petitioner submits that based on the complaint dated 26th February, 2026 made to the concerned police authority steps are not being taken prompting the petitioner to approach this Court with the present writ petition seeking direction upon the police authorities. According to the petitioner, if police authority extends assistance petitioner will be able to take fish out of the pond in question and sale those fish.
3. Learned advocate representing the private respondents has opposed this writ petition on

the ground that respondents are laying claim over the title of the pond in question. It is also submitted that application was made by the petitioner under Section 175(3) of BNSS before the jurisdictional Magistrate and same was dismissed and subsequently present writ petition was filed. An order of coordinate bench dated 20th January, 2026 is placed before this Court and same is taken on record. From the said order dated 20th January, 2026 it appears that hearing of the four writ petitions was concluded and judgment was reserved by the coordinate bench. According to the private respondents judgment to be delivered by the coordinate bench will decide the right of user of the pond in question.

4. On behalf of State respondents it is also submitted that the issue involved in this writ petition is civil in nature and the writ petition is not maintainable.
5. In view of the respective submissions made on behalf of the parties and the claim and counterclaim laid by the respective parties over the pond in question, present writ petition is not maintainable. If petitioner has grievance relating to his right over the pond in question,

he needs to approach the appropriate forum for adjudication of the issue.

6. Hence, the writ petition stands dismissed.
7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)