

25.03.2026
05 Court No. 05
(DL) (Suwendu Mukherjee)

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

WPA 6020 of 2026

**Atabul Shaikh @ Sekh
-Versus -**

The State of West Bengal & Ors.

Mr. Sunit Kumar Ray
Mr. Anindya Sundar Das
Ms. Paramita Mondal
Mr. Suva Gayen
Mr. Sumon Halder
Ms. Shabnam Yeasmin
Mr. Anuvab Das

....for the petitioner

Mr. Sambuddha Dutta
Ms. Dipanwita Ganguly

...for the State respondents

Mr. Sandipan Maity
Mr. Sk. Saifuddin

....for the respondent no. 6

- 1) Matter is heard in presence of learned advocates representing the petitioner, State respondents and private respondent.
- 2) It is alleged by the learned advocate representing the petitioner that on his land private respondent is constructing pathway unauthorizedly. Petitioner lodged a complaint before the concerned police authority which is at page 27 of the writ petition. Petitioner prays for direction upon the concerned police authority in

order to protect the right of the petitioner over the land in question.

3) State respondents and private respondent are represented by learned advocate.

4) Learned advocate representing the State respondents has filed one communication dated 22nd March, 2026 of Officer-in-Charge of Sagardighi Police Station, Jangipur Police District along with relevant documents and same are taken on record.

5) It is disclosed in said communication dated 22nd March, 2026 that respondents were constructing passage by filling soil over the land in question without consent of concerned authority or lawful sanction. It is also disclosed that the land in question is agricultural land and wife of the petitioner is the recorded owner of said land whereas respondent no. 6 is Bargadar.

6) However, it is submitted on behalf of the State respondents that dispute between the petitioner and private respondent is civil in nature. Therefore, parties are required to approach before the appropriate forum.

7) Learned advocate representing the respondent no. 6 has disputed the allegation made on behalf of the petitioner.

8) However, what is striking from the communication dated 22nd March, 2026 of the concerned police authority is that wife of the petitioner is the owner of the land in question and respondent no. 6 is Bargadar of said land. Hence, if respondent no. 6 is bent upon to construct passage on said land without any lawful sanction from the concerned authorities, police

authorities are directed to take necessary steps in accordance with law. In addition thereto, police authorities are directed to maintain peace and tranquility at the locale.

9) Parties shall be at liberty to approach appropriate forum for deciding their *inter se* right over the land in question.

10) Writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)