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rkd 31.03.2026
Ct.05

W.P.A. 6857 of 2026

Benu Charan Samanta

-vs-

The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar,
Mr. Jayanta Dey

....for the petitioner.

Mr. Debabrata Banerjee,
Mr. Hare Krishna Halder

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner has made allegation against the private respondents that private respondents are creating disturbance as a result whereof petitioner's right to enjoy peaceful possession over the land in question is impacted.
3. Petitioner prays for direction upon the concerned police authorities which would ensure peaceful possession over the land in question. In support of such submission reliance is placed on the order dated 14th July, 2023 passed by Civil Judge (Junior Division), 1st Court Contai on Title Suit No.27 of 2022. According to the petitioner the order dated 14th July, 2023 needs to be complied with.
4. In spite of service of notice private respondents are not represented.

5. However, State respondents are represented by learned advocate who has filed a communication dated 30th March, 2026 and same is taken on record.
6. It is disclosed in the communication dated 30th March, 2026 that over the land in question petitioner and respondents got involved in long standing dispute which is civil in nature.
7. It is also stated in the communication dated 30th March, 2026 that no incident of scuffle, brawl or altercation was reported as a result whereof no prosecution was initiated against any of the parties to this writ petition.
8. Having considered the submissions made on behalf of the parties and taking note of contents of the communication dated 30th March, 2026, it transpires that petitioner is claiming right over the land in question and it is also alleged that private respondents are causing disturbances affecting right of the petitioner to enjoy peaceful possession of the land in question.
9. If petitioner is aggrieved by the claim of the private respondents over the land, remedy lies before the civil court.
10. Police authority is not the appropriate authority to decide the *inter se* right of the parties over the land in question.
11. Hence, no relief can be granted to the petitioner.

12. The writ petition stands dismissed.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)