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rkd 01.07.2026
Ct.05

W.P.A. 9849 of 2026

Samim Mullick

-vs-

The State of West Bengal & Ors.

Mr. Rafikul Islam Sardar

....for the petitioner.

Mr. Nitai Chandra Saha

....for the respondent no.4.

Mr. Suryaneel Das,
Ms. Suchitra Sinha Chatterjee,
Ms. Sumita Sarkar

....for the State.

1. Learned advocate representing the petitioner submits that petitioner is aggrieved by the acts and actions of respondent no.4 whereby affecting right of the petitioner to ingress and egress.
2. It is alleged that respondent no.4 encroached the passage being used for ingress and egress by the petitioner. Previously a complaint was lodged which gave rise to a criminal prosecution and on completion of investigation a charge-sheet being No.272 dated 30th April, 2025 was filed before the jurisdictional Magistrate as it is averred in paragraphs 9 & 10 of the writ petition.
3. However, due to acrimony in between the petitioner and respondent no.4 repeated complaints were lodged before the concerned police authorities.

4. Prayer is made in this writ petition for direction upon the concerned police authorities to take steps which would enable the petitioner to use the pathway for ingress and egress and to restrain respondent no.4 by initiating appropriate proceeding.
5. Learned advocate for respondent no.4 has disputed the submission made on behalf of the petitioner.
6. It is submitted that petitioner unauthorizedly made construction at the land in question.
7. State respondents are represented by Mr. Das, learned Additional Government Pleader who has filed a communication dated 1st July, 2026 of Inspector-in-Charge, Sankrail Police Station and same is taken on record. Copies of the communication dated 1st July, 2026 are made over to the learned advocates representing the petitioner and respondent no.4.
8. In connection with previous criminal prosecution which was culminated into filing of charge-sheet being No.272 dated 30th April, 2025 no further order need be passed in view of steps taken by the concerned police authorities.

9. It is disclosed in the communication dated 1st July, 2026 that on receipt of complaints received from the petitioner dated 16th March, 2026 and 20th April, 2026 certain steps were taken to maintain peace at the premises in question.
10. If petitioner finds that his right of ingress and egress is being denied by respondent no.4 in that event petitioner is required to approach the appropriate forum in order to assert his right over the passage in question.
11. Police authority is not the appropriate authority to decide *inter se* right of the parties over the passage in question.
12. However, concerned police authority is directed to maintain peace and tranquility at the locale and to see no untoward incident takes place.
13. Writ petition stands disposed of.
14. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)