

24.06.2026
Ct. No.5
Sl. No.26
akd

W. P. A. 12701 of 2026

[Nemai Hansda -Vs- The State of West Bengal & Ors.]

Mr. Gazi Faruque Hossain
... ... for the petitioner

Mr. Jyoti Prakash Chatterjee
Ms. Snehaa Sanyal
... for respondent nos. 5 to 11

Mr. Suryaneel Das .. ld. A.G.P.
Ms. Suchitra Sinha Chatterjee
Ms. Sumita Sarkar
... ... for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of learned Advocates representing the petitioner, State-respondents and respondent nos. 5 to 11.
3. Learned Advocate representing the petitioner submits that while raising fencing, petitioner was obstructed by private respondents which prompted the petitioner to approach this court with the present writ petition seeking direction upon the concerned police authorities which would facilitate the petitioner to complete fencing. In addition thereto, it is also submitted that after filing of this writ petition on 10.06.2026, on 17.06.2026 private respondents assaulted the petitioner and alleging said incident of assault, a complaint was lodged with the concerned police station on the same date i.e. 17.06.2026. An FIR was registered and a criminal prosecution being Kalna Police Station Case No. 512 of 2026 dated

17.06.2026 was initiated under certain provision of Bharatiya Nyaya Sanhita, 2023.

4. Concerned police authority is directed to take the criminal prosecution to its logical conclusion by submitting report before the jurisdictional Magistrate at an early date.

5. However, case made out in this writ petition that petitioner may be permitted to raise fencing around his land is an issue which needs to be delved into by an appropriate forum taking note of the submission made on behalf of the private respondents that erection of fencing by the petitioner would affect the right of the private respondents including local residents to use the pathway.

6. Police authority is not the appropriate authority to decide *inter se* rights of the parties to use the pathway. Petitioner needs to approach the appropriate forum for demarcation of the land of the petitioner in question.

7. However, concerned police authorities are directed to maintain peace and tranquility at the locale and to see that no untoward incident takes place.

8. The writ petition stands disposed of.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on usual undertaking.

(Saugata Bhattacharyya, J.)