

27.01.2026
rc/ct.no.05
Item No.34

WPA No. 20304 of 2025
Sanjib Ghosh & Ors.
Versus
The State of West Bengal & Ors.

Mr. Gouranga Kumar Das
Ms. Poulami Dutta ..for the Petitioners

Mr. Asish Kumar Guha
Mr. Jayok Kumar Guptafor the State

Mr. B.P.Mondal
Mr. Sukanta Mondal
....for the respondent nos.6 to 9

Affidavit of service filed by the petitioners and report submitted by the State are taken on record.

The petitioners claim to be co-sharers of the land in question and allege that the private respondents are obstructing them in cultivating their land. The petitioners approached the learned Executive Magistrate, Kakdwip in this regard and by an order passed on July 29, 2025, the learned Executive Magistrate directed the police to protect the lawful owner during cultivation. The petitioners complain that despite such order the private respondents are continuing to disturb their possession in the property for which they have lodged a complaint before the police authority which has not been acted upon.

Learned counsel for the private respondents submits that the title and possession of the property in question is in dispute. The private respondents claim to

be co-sharers of the property. Several civil cases are pending between the parties in connection with the property in question.

It appears from the report submitted by the State that pursuant to the complaint lodged by the petitioners, enquiry was held and prosecution submitted under Section 126 of the BNSS upon completion of enquiry.

Learned counsel for the State submits that the police is maintaining sharp vigil at the locality in order to avoid any breach of peace.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that dispute between the parties is civil in nature. The petitioners are at liberty to thrash out the dispute before the learned civil forum.

In the meantime, the police authority shall continue their surveillance in the area and ensure maintenance of peace and tranquility.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)