

WPA 25853 of 2025

Habibur Rahaman & Ors.
Vs.
The State of W. B. & Ors.

Md. Kutubuddin ...for the petitioners.

Ms. Jhuma Chakraborty
Ms. Munmun Tiwary ...for the State.

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

The petitioners allege that the private respondents are disturbing their peaceful possession in respect of the property in question and are trying to fill up the pond therein.

The petitioners lodged a complaint in this regard before the police authority and also filed a petition under Section 163 (2) of the BNSS before the Executive Magistrate. The police report submitted before the Executive Magistrate supports the contention of the petitioners.

It appears from the report submitted by the State that pursuant to the complaint lodged by the petitioners, enquiry has been held and prosecution submitted under Section 126/135 of the BNSS. The report demonstrates a long standing land dispute between the parties and also

that the alleged construction work has been stopped since 20th September, 2025.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that the dispute between the parties is civil in nature. The petitioners are at liberty to approach to appropriate civil forum for redressal of their grievance.

In the meantime, the police authority shall maintain strict vigil in the area in order to avoid any untoward incident and shall ensure maintenance of peace and tranquility.

The writ petition is disposed of accordingly.

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.)