

05.01.2026
rc/ct.no.05
Item No.10

WPA No. 28913 of 2023
Bejoy Kumar Ghosh
Versus
The State of West Bengal & Ors.

Mr. Samiran Mandal
Mr. Abhinaba Dan
Ms. Shreyashee Mitra ..for the Petitioner

Mr. Suman Ghosh
Mr. Siddharta Ghosh for the State

Mr. Arup Kundu ...for the private respondent

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

Learned counsel for the petitioner submits that the private respondents are restraining the petitioner from cultivating/harvesting his land and taking the harvest therefrom. They have also stolen the harvesting implements from the petitioner's land. The petitioner lodged a complaint in this regard before the police authority which has not been acted upon.

It appears from the report submitted by the State that pursuant to an application filed by the petitioner before the Sub-Divisional Executive Magistrate, Bankura proceeding under Section 144 of the Code of Criminal Procedure was drawn up and the police is keeping strict vigil in the area.

Learned counsel for the State submits that no complaint is found in the police records.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the petitioner is aggrieved by the fact that the private respondents are restraining him from cultivating/harvesting his own land, he is at liberty to approach the appropriate forum for redressal of his grievance. In the event the complaint lodged by the petitioner has not been taken care of, the petitioner may approach the jurisdictional Magistrate under Section 175 of the BNSS.

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

The writ petition is accordingly 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)