

19.09.2025
Court No. 35
D/L. No.32
Rakib

W.P.A. 21351 of 2025

**Atul Krishna Choudhury
VS
The State of West Bengal & Ors.**

Mr. Tapan Dutta Gupta
Mr. Parvej Anam
Ms. Rituparna Ghosh
Mr. Sourav Sardar
...for the Petitioner.

Mr. B.P. Vaisya
Mr. Gourav Das
...for the State.

Mr. Debashis Banerjee
Mr. Rakesh Jana
...for respondent nos.5 to 12.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner complains that he is unable to cultivate the land as in spite of informing the police authorities no steps have been taken. It is further alleged that the private respondents are continuously interfering with the possession of the property, as such the situation calls for interference by this Court.

Learned advocate for the private respondent nos. 5 to 12 submits that they are in possession and they are also cultivating the property.

Since both the parties claim to be in possession of the property, as such the issues are disputed question of facts, I find that the police authorities have already registered three criminal cases. First being Raidighi PS case no. 16/25 dated 11.01.2025, secondly, Raidighi PS

case no. 19/25 dated 13.01.2025 in both these cases charge-sheet has already been submitted before the jurisdictional Court. Again Raidighi PS case no. 444/25 dated 12.07.2025 has been registered wherein investigation is continuing. Police authorities have also found that subsequently there has been no encroachment of the property.

Be that as it may, police authorities would continue their surveillance and ensure that there is no violation of law and order as already three criminal cases have already registered for investigation. In case the petitioner finds that he is resisted from entering the said location which has been complained of, petitioner will take out an application before the jurisdictional Court in seisin of the case being Raidighi PS case no. 16/2025 and Raidighi PS case no. 19/2025, Learned Magistrate would assess and ascertain regarding the nature of the accusations made in the application and thereafter pass directions as he deems fit and proper.

With the aforesaid observations WPA 21351 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

Copy of the report be handed over to both the parties.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)