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22.11.2024
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ct.no.35

W.P.A.4219 of 2024

**Sri Tapan Mishra
Versus
The State of West Bengal & Ors.**

Mr. Amit Baran Dash
Ms. Ankana Sarkar.
...for the petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan.
...for the State.

Supplementary affidavit filed by the
petitioner be kept with the record.

Petitioner has filed the supplementary
affidavit wherein he has enclosed series of documents
which include amongst others that the injunction
order passed by the learned Civil Judge (Junior
Division), 1st Court, Contai in T.S.255 of 2023 has
been violated. Petitioner also alleges that there are
posters which have been pasted at different locations
at the behest of the private respondents disreputing
the petitioner. There is a complaint to the extent that
the private respondents have encroached the land of
the petitioner and constructed a pathway.

Learned advocate for the State has submitted
a report. Report reflects that proceeding under

Section 107 of the Code of Criminal Procedure has been drawn up against the petitioner.

Be that as it may, petitioner's another grievance is that he is being foisted with number of false cases at the behest of the private respondents and the police authorities.

I have considered the submissions advanced by the learned advocate appearing for the petitioner as well as that of the learned advocate appearing on behalf of the State. So far as the issue relating to the construction of pathway and/or encroaching the land is concerned, if there has been a violation in respect of the injunction order so passed, petitioner would approach the civil court under the relevant provisions of law. If the civil court is satisfied, in that case, specific directions be passed for police assistance for being rendered to implement the order of injunction. In case such an order is passed, police authorities would obey and respect such order of the civil court. So far as the posters which have been pasted, which according to the petitioner, is per se defamatory, petitioner would be at liberty to approach the jurisdictional criminal court under the relevant provisions of the BNS. The jurisdictional criminal court would consider the contents of the same and thereafter proceed in accordance with law if it is

satisfied to the extent that a cognizable or non-cognizable offence is made out. As far as the contents of the petitioner are concerned, I find that the petitioner is anxious regarding the act and action of the private respondents.

Accordingly, I direct the police authorities to keep a strict vigil and ensure that no breach of peace and tranquility takes place in respect of the issues/properties complained of by the petitioner. Police authorities would further ensure that no untoward incident stems out as the petitioner and the private respondents are at loggerhead.

With the aforesaid observations, WPA 4219 of 2024 is disposed of.

As the State-respondents have not been called upon to use any affidavit, the allegations made in the writ petition as well as the supplementary affidavit so filed is deemed to be denied.

Copy of the report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

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

(Tirthankar Ghosh, J.)