

11.12.2024
Item No.486
Ct. No.35
dc.

W.P.A. 4194 of 2024

**Munsekh Aali Molla
versus
The State of West Bengal & Ors.**

Mr. Sudarsan Haldar,
Mr. Kusal Chatterjee ... For the Petitioner.

Mr. Amal Kumar Sen, AGP,
Mr. Jaladhi Das ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The petitioner is aggrieved by the fact that he cannot enter into his own property as he is threatened by the private respondents. Initially a different group of persons restrained the petitioner and there was a threat perception. Consequently a coordinate Bench of this Hon'ble Court in WPA 4792 of 2022 was pleased to pass a direction and the Superintendent of Police, South 24-Parganas submitted a report indicating the steps taken to protect the petitioner in case of any threat. Proceedings under Sections 107 and 116(3) of the Code of Criminal Procedure were initiated. Thereafter being satisfied, a coordinate Bench by an order dated 02.05.2022 was pleased to dispose of the writ petition.

Presently the private respondents are allegedly illegally interfering with the property of the

petitioner. The police authorities have drawn up proceedings under Sections 107 and 116(3) of the Code of Criminal Procedure against the private respondent nos. 5 to 8. The said proceedings were drawn up on 27.02.2024. As the police authorities found that the respondent nos. 5 to 8 are interfering, as such it was apprehended by the police authorities that there is every chance of breach of the peace, so the proceedings were drawn up.

In view of the proceedings being Jibantala P.S. NCR No. 124/2024 dated 27.02.2024 having been drawn up, I direct the petitioner or the police authorities to take out an appropriate application before the learned Executive Magistrate in seisin of the matter for changing the condition of the bond which has been imposed in connection with Jibantala P.S. NCR No. 124/2024 dated 27.02.2024. In case such an application is made and as the police report reflects that there is alleged involvement of respondent nos. 5 to 8, the learned Executive Magistrate will pass directions upon the respondent nos. 5 to 8 to stay outside the jurisdiction of Jibantala Police Station. The concerned Executive Magistrate will also be at liberty to ensure that the good behaviour bond which is to be furnished would contain stringent conditions so that the private respondents conduct

themselves in a manner which may not be creating disturbance upon the other members of the society in and around the locale.

With the aforesaid observations, the writ petition being WPA 4194 of 2024 is disposed of.

There shall be no order as to costs.

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.)