

D/L 61
22.11.2024
Kausik
ct.no.35

**W.P.A. 4404 of 2024
With
CAN 1 of 2024**

**Raju Ghosh
Versus
State of West Bengal & Ors.**

Mr. Rahul Sarkar
Ms. Dipika Sarkar

...for the petitioner.

Mr. K.J. Yusuf, Ld. AGP
Ms. Rupsha Chakraborty

...for the state.

Petitioner complains that his land has been illegally grabbed by the private respondents and has also been converted. To that effect, he has taken steps before the BL & LRO. However, when he protested to such illegal activities of the private respondents, they threatened him of dire consequences and abused him by saying that they will not close their shop/market which they have illegally constructed.

Petitioner on or about 14.10.2023 complained to the police authorities thereafter, on or about 29.12.2023, again informed through the learned advocate to the Officer-in-Charge, Rishra Police Station. Petitioner submits that till date no action has been taken by the police authorities.

Report has been submitted by the state which reflects that proceedings have been drawn up under section 107/116(3) of the Code of Criminal Procedure.

Having considered the complaint which was addressed on 14.10.2023, *prima facie*, it reflects that so far as the allegations regarding threatening is concerned, the same makes out a non-cognizable offence. However, there were other allegations of trespass and unauthorized construction.

In view of the police authorities keeping a strict vigil over the area, I am of the opinion that if the police authorities have not taken any steps in the circumstances, the petitioner would approach the jurisdictional criminal court and invoke its powers under section 175(3)/section 223 of the BNSS. The learned jurisdictional criminal court would exercise its discretion and pass necessary orders adhering to the provisions of law.

However, having regard to the fact that the petitioner apprehends relating to his safety and security, I direct that the police authorities would continue their vigil and would ensure that no breach of peace takes place and/or any untoward incident stems out of the issues for which the petitioner and the private respondents are at loggerheads.

With the aforesaid observations WPA 4404 of 2024 along with CAN 1 of 2024 is disposed of.

Report so submitted by the state 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.

(Tirthankar Ghosh, J.)