

D/L36
27.11.2024
Bpg.
ct.no.35

W.P.A.14543 of 2023

**Ashok Kumar Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Manas Kumar Das.
...for the petitioner.

Mr. Santanu Kumar Mitra
Mr. Amartya Pal.
...for the State-respondents.

Mr. Prabir Maji.
...for the respondent nos.4 to 9.

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

Petitioner is aggrieved by the act and action
of the private respondent nos.4 to 9 as they are trying
to grab the property by throwing garbage and making
it uninhabitable.

Learned advocate for the private respondent
nos.4 to 9 disputes and denies the same. Additionally,
he submits that there are number of owners of the
property and the present petitioner is trying to
portray himself as sole proprietor of the suit property
which is incorrect.

State has submitted a report. Report reflects
that there is some proof attached in respect of
throwing garbage but at the same time there are
multiple owners in respect of the suit property. The

nature of the offence complained of is creation of nuisance at the locality.

Consequently, petitioner would be at liberty to approach the jurisdictional court under Section 223 of the BNSS by referring to circumstances which would adhere to the relevant provision of the BNS. If the learned Magistrate is of the opinion that prima facie any offence is made out, he would act in accordance with law. In the meantime, the police authorities would keep a strict vigil and would also ensure that no breach of peace takes place or any untoward incident stems out as the petitioner and the private respondent nos.4 to 9 are at loggerhead.

With the aforesaid observations, WPA 14543 of 2023 is disposed of.

There will be no order as to costs.

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.)