

27.09.2024

Item No.89

Ct. No.35

dc.

W.P.A. 19582 of 2024

**Barun Dey & Anr.
versus
The State of West Bengal & Ors.**

Mr. Samiran Mandal,
Mr. Abhinaba Dan,
Ms. Sreemoyee Datta ... For the Petitioners.

Ms. Ipsita Banerjee ... 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 kept with the record.

Learned advocate appearing for the petitioners is aggrieved by the manner in which allegedly their property has been encroached. The petitioners also submit that they have taken recourse under the provisions of Section 144(2) of the Code of Criminal Procedure and/or Section 163 of the BNSS, 2023 and there is specific order that no breach of peace takes place at the locale, in spite of that, the private respondents are violating the order and are taking the law in their own hands for the purposes of encroaching and to that extent, they have already installed some temporary structures.

Be that as it may, so far as the temporary structures and the encroachment are concerned, appropriate proceedings be initiated before the jurisdictional civil court. The police authorities are

already in seisin of the proceedings under Section 144 of the Code of Criminal Procedure as well as Sections 107/116 of the Code of Criminal Procedure and would see that there should be no violation of any order passed by the learned Executive Magistrate and ensure that there is no public nuisance, breach of peace and tranquility committed at the instance of either of the parties.

With the aforesaid observations, the writ petition being WPA 19582 of 2024 is disposed of.

Pending connected application, if any, is consequently 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.)