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26.11.2024
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ct.no.35

W.P.A.22861 of 2024

**Mostafa Ali & Anr.
Versus
State of West Bengal & Ors.**

Mr. Kamalesh Bhattacharjee
Mr. Md. Yusuf Ali.
...for the petitioners.

Ms. Jhuma Chakraborty
Ms. Rupsha Chakraborty.
...for the State-respondents.

Mr. Salahuddin
Mr. Md. Raziuddin.
...for the respondent nos. 7 & 8.

Petitioners are aggrieved by the act and action of the police authorities particularly with regard to the fact that in spite of receiving the information on or about 12th August, 2024, till date no action has been taken.

Learned advocate for the State has submitted a report which includes amongst others pendency of the civil suit and issues relating to the ownership-in-question. This report of the State is in response to the information submitted on 12th August, 2024 and 20th August, 2024 by the petitioners with the Kaliachak Police Station and the superior officers of police.

Learned advocate for the private respondent nos.7 and 8 is present and disputes and denies the contentions advanced by the learned advocate appearing for the petitioners.

Learned advocate appearing for the petitioners submits that the petitioners have substantial materials in their custody to substantiate the charge which they have informed to the police authorities. Learned advocate for the petitioners has also disputed the findings of the police authorities in the said report.

Having considered the contentions so submitted by the learned advocate for the petitioners, I direct that the petitioners would be at liberty to approach the jurisdictional criminal court under Section 175(3) of the Code of Criminal Procedure. In case such an application is taken out, learned Magistrate would act in accordance with the relevant provisions of Sanhita. In the meantime, the police authorities would keep a strict vigil and ensure that no breach of peace takes place at the locale and/or any untoward incident takes place because of the dispute existing between the petitioners and the private respondent nos.7 and 8.

With the aforesaid observations, WPA 22861 of 2024 is disposed of.

There will be no order as to costs.

A copy of the report earlier so submitted before this Court be handed over to the learned advocate appearing for the petitioners.

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.)