

04.11.2024
Item No.83
Ct. No.35
dc.

W.P.A. 23988 of 2024

**Sk. Nurul Hasan
versus
State of West Bengal & Ors.**

Mr. Shreyash Mohta ... For the Petitioner.

Mr. Wasim Ahmed,
Mr. Haroon-Al-Rasheed ... 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 his passage has been encroached at the behest of the private respondents. Learned advocate appearing for the petitioner submits that the petitioner is unable to come out of his house because of the activities, conduct and harassment which is being inflicted upon him and he is apprehensive of his life and liberty. The grievance of the petitioner is that he has informed the police authorities on several occasions, but till date the police authorities have not acted in accordance with law.

Learned advocate appearing for the State has submitted a report. I have considered the report so submitted and having regard to the nature of accusations so made, I direct that the petitioner so far as his allegation relating to encroachment is

concerned to approach the appropriate jurisdictional court (both civil and criminal).

If the petitioner approaches the jurisdictional criminal court by way of taking out any application under Section 175(3) of the BNSS, 2023 or under Section 223 of the BNSS, 2023, the learned jurisdictional court would act in accordance with law by adhering to the relevant provisions.

With the aforesaid observations, the writ petition being WPA 23988 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.)