

D/L 88
05.11.2024
Kausik
ct.no.35

W.P.A. 24272 of 2024

**Sanghamitra Lenka
Versus
State of West Bengal and Ors.**

Mr. Mit Guha Roy
Mr. Sayan Kanjilal
...for the petitioner.

Mr. P.D. Mukherjee
Mr. Ayush Shaw
Ms. Ankita Das
...for the respondent no. 4.

Mr. Tarak Karan
...for the state.

Petitioner is aggrieved by the act and actions of the authorized representative of the private respondent being M/s. Castle Projects Pvt. Ltd. To that effect, he complained with the police authorities being the Officer-in-Charge Maheshtala Police Station on or about 10.09.2024 but till date no action has been taken on the complaint so filed with the police authorities.

Affidavit of service so filed be kept with the record.

Learned advocate for the respondent no. 4 is present and disputes and denies the allegations which have been made in the writ petition.

As none appears on behalf of the state Mr. Tarak Karan learned advocate who ordinarily appears on behalf of the state is directed to appear. His appearance may be regularized by the concerned authorities.

I have considered the contentions as well as the allegations made in the communication made to the Officer-in-Charge dated 10.09.2024 and on an assessment of the same I direct that in case the police authorities till date have not taken any action, and as the petitioner is already submitted a report with the Superintendent of Police, Diamond Harbour Police District, he would approach the jurisdictional magistrate under section 175 and 223 of BNSS. Learned Magistrate would adhere to the provisions of law and exercise his discretion as to whether prima facie any cognizable offence is made out and thereafter pass necessary directions.

With the aforesaid observations WPA 24272 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)