

03.12.2024
Item No.124
Ct. No.35
dc.

W.P.A. 25009 of 2024

**M/S. Joy Shree Krishna Feed Centre & Ors.
versus
The State of West Bengal & Ors.**

Mr. Argha Banerjee,
Mr. Avishek Choudhury ... For the Petitioners.

Mr. Suman Ghosh,
Mr. Sankha Prasad Roy ... For the State.

Report submitted by the learned advocate appearing for the State be kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioners.

The petitioners are aggrieved by the order of the learned ACJM, Basirhat. The petitioners secondly complained that notice was directed to be served, but the police authorities instead of serving any notice, have been threatening the present petitioners.

State has submitted a report which reflects that the police authorities have been acting pursuant to an order passed by a court of law.

The order of the learned ACJM, Basirhat reflects that compliance should have been made by 19.09.2024, but till date, according to the petitioners, the order has not been effected. From the report of the State, it only reflects that assessment has been done and assessment report

has been forwarded to the Superintendent of Police after physical verification of the property.

Consequently, the only grievance of the petitioners which can be considered is in respect of the accusations that the police authorities are threatening them.

The police authorities are acting on the basis of the directions of the learned ACJM, Basirhat. In view of the fact that as the report which has been submitted and the admitted position till date is that possession has not been handed over to the finance company, *prima facie* excesses or atrocities of the police authorities are difficult to accept at this stage.

However, if the petitioners have materials in their possession to substantiate such accusations, the petitioners would be at liberty to approach the jurisdictional Magistrate under Section 175(4) of BNSS. The learned Magistrate by adhering to the relevant provisions of law would act in terms of the powers vested in him.

With the aforesaid observations, the writ petition being WPA 25009 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.)