

D/L 74  
20.11.2024  
Kausik  
ct.no.35

**W.P.A. 25446 of 2024**

**Md. Abdul Odud  
Versus  
State of West Bengal & Ors.**

Mr. Arun Naskar

...for the petitioner.

Mr. Joy Chakraborty  
Mr. Ranjit Malakar

...for the private respondent nos. 8 to 17.

Mr. Suman Sengupta, Sr. Govt. Adv.  
Ms. Amrita Panja Moulick  
Mr. Sambuddha Dutta

...for the state.

Petitioner complains that he is aggrieved by the procedure adopted by the BL & LRO and also the act and action of the private respondent in respect of the theft of the fruit of his tree as well as cutting down the tree.

State has submitted a report which reflects that, steps have been taken under section 126 of BNSS.

The information regarding the petitioner has been worked out by the police authorities but till date no cognizable offence according to the police has been made out.

Learned advocate for the respondent submits that the private respondents are the patta holder and refutes the contentions of the learned advocate appearing for the petitioner.

Be that as it may petitioner is aggrieved by the fact that no criminal case has been initiated till date. Although prima facie, according to him an offence has been made out.

Petitioner is granted liberty to approach the jurisdictional criminal court to invoke the provisions under section 223 of the BNSS. If such an application is filed, the jurisdictional magistrate will act in accordance with law.

With the aforesaid observations WPA 25446 of 2024 is disposed of.

Report so submitted be kept with the record.

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

***(Tirthankar Ghosh, J.)***