

W.P.A. 25223 of 2023

**Biswajit Maity
-versus
The State of West Bengal & Ors.**

**Ms. Sudeshna Basu Thakur,
Ms. Banani Bhattacharya.
... for the petitioner**

**Mr. Ansar Mandal, Id. A.G.P.,
Mr. Asish Dutta.
... for the State**

Affidavit-of-service filed on behalf of the petitioner in Court today is taken on record.

Despite service no one appears on behalf of the private respondents.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. There is a dispute between the petitioner and the private respondent over an agreement for sale. The dispute is civil in nature. Yet, the private respondents with the help of local police authorities are harassing and intimidating the petitioner. The police, without giving a notice under Section 41 A of the Code, are asking the petitioner to appear before them.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are ongoing disputes between the private parties over an agreement dated 7.07.2017. An earlier complaint by the private respondents was lodged by way of a G.D. entry on 13.09.2023. On the basis of the same a proceeding was initiated under Section 107 of the Code.

It appears that a civil dispute is pending between the private parties. According to the police report, there is no FIR lodged against the present petitioner as of now.

Let the police authorities act in accordance with law and keep a vigil at the locale to ensure that no breach of peace takes.

No further order need to be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)