

WPA 26498 of 2024

**Dr. Bimal Mandal
Vs.
The State of West Bengal & Ors.**

Mr. Kamalesh Chandra Saha
Mr. M. Saha
Ms. P Mitra

... ... for the petitioner

Mr. Dipanjan Datta
Mr. Vijay Agarwal
Ms. S. Datta

... ... for the State

1. The present writ petition has been preferred praying for direction upon the respondent authorities to provide police protection to the writ petitioner so that he can construct his boundary wall as that the private respondents are disturbing his peaceful possession and also obstructing the construction of the boundary wall.
2. It appears that the writ petitioner approached the Court of learned Executive Magistrate twice in respect of the said dispute and the learned Executive Magistrate was pleased to direct that the parties should maintain peace and also directed the police authorities to see that no illegal activities are carried out in the suit property.

3. The State has placed a report before this Court from which it appears that on separate enquiries being caused and conducted as directed by the learned Executive Magistrate and also the Court, it transpired that it is writ petitioner who is threatening the private respondents and not the private respondents against whom the writ petitioner has made the allegations and the report to that effect has been submitted before the Executive Magistrate. It is further submitted that the allegation of the writ petitioner in the present case is not substantiated.
4. It appears that the proceedings before the learned Executive Magistrate is still subsisting and the police is yet to file the complete report before the learned Executive Magistrate. Accordingly, the writ petition is disposed of with a direction upon the learned Executive Magistrate to dispose of the proceedings under Section 163(3)/126 of BNSS on hearing the parties in accordance with law. Learned Executive Magistrate while disposing of the case shall also consider the representation submitted by the wife of the writ petitioner in accordance with law, on hearing of all the parties.

5. With the aforesaid directions, this writ petition is disposed of.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Shampa Dutt (Paul), J.)