

10.12.2024
Ct. No. 35
Sl. No.22
BP/AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28964 of 2024

**Srikanta Maji
-versus-
The State of West Bengal & Ors.**

**Ms. Pampa Dey Dhabal.
...For the Petitioner.**

**Mr. Jahar Lal De. AGP
Mr. Kaustav Bhattacharya.
... For the State.**

**Mr. Apurba Kumar Ghosh.
... For the respondent no.4.**

Petitioner claims that in spite of being the lawful owner his right to carry on trade and profession is being hindered at the behest of the private respondent who is creating disturbances.

To that effect petitioner has lodged a complaint with the Officer-in-charge, Kolaghat P.S. wherein it has been alleged that the private respondents have been threatening him and also demanding money. In fact there is an accusation and also a threat to murder the petitioner.

Learned advocate for the State has submitted a report. The report reflects that the police authorities have taken steps thereby drawing up proceeding under the relevant provisions of Section 107 of the Code of

Criminal Procedure and also a proceeding under Section 126 of the BNSS has been drawn.

Petitioner is aggrieved by the act and action of the private respondents and the inaction on the part of the police authorities. The police authorities would ensure that the ingress and egress of the petitioner is not obstructed for carrying on the business, provided the business is being carried under all lawful provisions. If any cognizable offence is made out from the information complained and the police authorities have not taken any action, petitioner would be at liberty to approach to the jurisdictional Magistrate under the provisions of Section 175(3) of the BNSS. Learned Magistrate would consider the same adhering to the provisions of law.

As the police authorities have already been keeping a strict vigil, I direct that they should ensure that no untoward incident takes place because of the inimical relationship between the petitioner and the private respondent.

Report so submitted is kept with the record.

Copy of the report handed over to the learned advocate for the petitioner.

With the above observations, WPA 28964 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 certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Tirthankar Ghosh, J.)