

17.12.2024

BP/AGM

35

Court No. 35

WPA 29066 of 2024

Sekh Nasim Uddin

Vs.

The State of West Bengal and Ors.

Mr. Pratip Mukherjee.

Mr. Sakir Hossain.

Mr. Purnankar Biswas.

... For the petitioner.

Mr. K. J. Yusuf.

Mr. Parikshit Goswami.

... For the State.

Petitioner is aggrieved regarding the act and actions of the opposite party no. 4 who according to the petitioner is using force for grabbing the property of the petitioner.

To that extent, a specific complaint was furnished before the Officer-in-charge, Balagarh P.S. along with Superintendent of Police, Hooghly. Not only that some of the trees were cut down and stolen but also the said person along with his associates have been flexing muscle power in order to establish his dominance in the property.

It has been also contended in the complaint that the private opposite party happens to be driver of the local police station and as such he is using his clout for grabbing the property of the petitioner and his co-sharers.

Petitioner further alleges that in spite of such complaint being addressed to the Officer-in-charge as well as the Superintendent of Police, Hooghly, no action has been taken till date to deter the opposite party no. 4 from pursuing his illegal activities.

Learned advocate for the State submits a report. The report reflects that police authorities have already drawn up proceedings under Section 126 /135 of the

BNSS on or about 1.11.2024.

Petitioner has also approached the learned Executive Magistrate under Section 163 of the BNSS.

Be that as it may, so far as some of the allegations are concerned in the complaint, prima facie, I am of the view that local police authorities should have been much more vigilant as nothing is reflected in the report regarding the act of cutting down the trees and stealing the same, till date no action has been taken.

The petitioner is granted liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS.

Learned Magistrate would assess regarding the nature of the alleged offence committed and thereafter pass orders in accordance with law.

In the meantime, the Officer-in-charge, Balagarh Police Station is directed to keep a strict vigil and to ensure that no breach of peace or tranquility takes place and that no untoward incidents results because of the inimical relationship existing between the petitioner and the private opposite party.

Report so submitted be kept with the records.

A copy of the report be handed over to the learned advocate for the petitioner.

With the above observations, WPA 29066 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.)

