

Court No. 35
(265777)

23.12.2024

(AD 90)

(S. Banerjee)

WPA 30080 of 2024

Joydeb Karmakar & Anr.

Vs.

State of West Bengal & Ors.

Mr. Malay Bhattacharyya

Mr. Subhrajyoti Ghosh

...for the petitioners

Mr. Ashim Kumar Ganguly

Mr. Bellal Shaikh

...for the State

Mr. Santanu Chatterjee

Mr. Dibyendu Bhattacharya

Mr. Prateep Bera

Mr. Rajendra Nandi

Mr. Swarnak Sarkar

Ms. Divya Chatterjee

...for the respondent no. 9

Petitioners complain that they had a number of trees in their land which the private respondents have opted to cut down and the same was in spite of an order passed by the learned Civil Judge (Jr. Division) in existence.

Learned advocate for the petitioners further submits that on or about 22.11.2024, he informed the police station but the police authorities did not take any step.

Learned advocate for the respondent no. 9 submits that there has been a civil dispute for a considerable period of time and the petitioners have

manufactured facts for creating a cause of action which in ground reality, do not exist.

Learned advocate for the State submits a report which reflects that disputes between the petitioners and the private respondents are continuing since 2012. Earlier there was a criminal case which was disposed of. Subsequently a title suit has been initiated. In respect of the present complaint, the police authorities have drawn up proceedings under Section 126 BNSS.

Be that as it may, if the petitioners have suffered financially and in spite of the same police authorities have not taken any action, petitioners would be at liberty to approach the jurisdictional Court under Section 175(3)/223 of the BNSS.

Learned Magistrate would consider the accusations and thereafter by way of adhering to the provisions of law, pass necessary orders.

In the meantime, as the petitioners and the private respondents are at loggerheads, police authorities would keep a strict vigil over the locality to ensure that no breach of peace or any untoward incident takes place because of the inimical relation between the parties.

Report so submitted be kept with the record. Copy of the report be handed over to the learned advocate for the petitioners.

(Tirthankar Ghosh, J.)