

21.01.2025
Item No.48
Ct. No.35
dc.

W.P.A. 1083 of 2025

**Sri Mintu Dafadar
versus
The State of West Bengal & Ors.**

Mr. Kusal Kumar Mukherjee,
Mr. Narattam Acharyya ... For the Petitioner.

Mr. Sirsanya Bandopadhyay, Sr. Standing Counsel,
Mr. Debapriyo Karan ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved by the fact that his land is being forcefully attempted to be encroached by the private respondents and in fact with the aid and assistance of the locals, the private respondents succeeded in constructing a tin-shed. There are accusations that when resisted, petitioner was chased with a 'Hasua' and was physically tortured.

State has submitted a report which reflects that the tin-shed was for a considerable period of time and so far as the incident complained of regarding chasing the petitioner with a sharp weapon and/or other physical tortures are concerned, on enquiry the police authorities did not find any support in respect of the accusations.

In view of the petitioner having grievance regarding the act and actions of the private respondents, I grant liberty to the petitioner to approach the jurisdictional criminal court for invoking the provisions of Section 175(3) of BNSS. The learned Magistrate would exercise his discretion by applying the relevant provisions of law.

In the meantime, the police authorities would keep a strict vigil and ensure that no breach of the peace or tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 1083 of 2025 is disposed of.

There will 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 photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)