

D/L 89
29.01.2025
Bpg.
ct.no.35

W.P.A.1558 of 2025

**Mostafijur Rahaman Mal & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Shataroop Purkayastha
Mr. Hamidur Rahaman.
...for the petitioners.

Mr. Suman Sengupta
Mr. Santanu Panja.
...for the State-respondents.

Mr. Baidurya Ghosal
Mr. Saikat Mukherjee
Ms. Paramita Sadhukhan.
...for the private respondent nos.4 to 7.

Petitioners are aggrieved by the fact that the private respondents are attempting to take possession by encroaching upon their land and with that end in view they attacked the petitioners with local anti socials. Information was furnished to the police station but the police station did not respond. As such, the petitioners have been compelled to approach this Court. Petitioners have also preferred a civil case being Title Suit No.401 of 2022 wherein status quo order has been passed.

Learned advocate for the private respondent nos.4 to 7 submits that in the civil suit the respondents have not been made parties. The

respondents have preferred appropriate application before the West Bengal Land Reforms and Tenancy Tribunal which is pending. Learned advocate for the private respondents disputes the contentions made by and on behalf of the petitioners in respect of allegations of attack and/or assault.

Learned advocate for the State has submitted a report which reflects that the police authorities have drawn up proceedings under Section 126/135(3) BNSS. Police authorities are directed to continue the surveillance and ensure that no breach of the peace or tranquility takes place and/or any untoward incident results because of strained relationship between the petitioners and the private respondents.

If the petitioners are aggrieved in respect of the police authorities not having taken steps, petitioners would be at liberty to invoke the jurisdiction of the learned Magistrate under the provisions of law. Learned Magistrate in case any application is filed would exercise his discretion regarding the maintainability of the criminal case.

With the aforesaid observations, WPA 1558 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

Copy of the report be handed over to learned advocate for both the parties.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)