

D/L 41
06.02.2025
Bpg.
ct.no.35

W.P.A.1563 of 2025

**Anita Ram Pechak & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Sudip Sarkar
Mr. Aninda Bhattacharya.
...for the petitioners.

Mr. Rajarshi Basu
Mr. Shehnaz Tareq Mina.
...for the State-respondents.

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury.
...for the respondent nos.4 & 5.

Affidavit-of-service filed by the petitioners be
kept with the record.

Petitioners claim that they are the owners of
the land by way of inheritance and had been
cultivating the land while the private respondents are
not only restraining the petitioners from cultivating
the land but also are attacking with deadly weapons
which have forced them to flee away from the said
property. To that effect, information was furnished
with the police authorities dated 8th November, 2024.
The incident complained of is of the same date.
However, the police authorities on enquiry submitted
that no such incident had taken place.

Learned advocate for the respondent nos.4 and 5 disputes the contentions both regarding the ownership of the land as well as that they have infringed the provisions of law and/or attacked the petitioners.

Be that as it may, the police authorities in their report have expressed their disinclination for proceeding and only registered General Diary Entry in respect of the accusations made by the petitioners.

In view of the aforesaid, petitioners would approach the jurisdictional Magistrate under Section 175(3) of the BNSS, learned Magistrate would assess whether any cognizable offence is made out and also check whether a case for investigation has been made out thereafter the learned Magistrate would exercise his discretion and pass necessary orders. In the meantime, the police authorities would keep a strict vigil and ensure that no breach of the peace and/or tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 1563 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 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.)