

06.02.2025
Court No. 35

Item No.63
Rakib

W.P.A. 2142 of 2025

Sultan Sanpui
VS
The State of West Bengal & Ors.

Mr. Uttam Kumar Halder.
... for the Petitioner.
Mr. Suman Ghosh,
Ms. Priyamvada Singh.
... for the State.

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

Petitioner is aggrieved by the fact that the private respondents are obstructing peaceful enjoyment of the property of the petitioner and to that effect petitioner informed several administrative authorities and also approached the learned Executive Magistrate. Petitioner has been carrying out the construction/repair of the boundary wall which has been resisted by the private respondent concerned. At the relevant point of time when such work was going on, petitioner complains that he has been subjected to physical assault and abuses.

Learned advocate for the State has submitted a report. Report reflects that police authorities have drawn up proceeding under Sections 126/135 of the BNSS, 2023.

Having considered that the police authorities have acted inconsonance with the circumstances prevailing, I am of the view that so far as the overall situation concerned no interference is required. However police authorities would assess whether there was physical assault and/or any abuse at the behest of the private respondent, in case there are materials to support that the petitioner was subjected to any physical assault and there are injury report to that extent, the police authorities would take steps in accordance with law.

Police authorities would also ensure that no breach of the peace and/or tranquility take place and/or any untoward incident further results because of the strained relationship existing between the parties.

With the aforesaid observations WPA 2142 of 2025 is disposed of.

Report submitted by the State be kept with the record.

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.)