

17.02.2025
Item No.22
Ct. No.35
dc.

W.P.A. 2601 of 2025

Rabindranath Das
versus
The State of West Bengal & Ors.

Mr. Malay Bhattacharyya,
Mr. Subhrajyoti Ghosh ... For the Petitioner.

Ms. Jhuma Chakraborty,
Mr. Suddhadev Adak ... For the State.

Mr. Soumik Ganguli,
Ms. Priti Burman ... For the Respondent Nos. 6 & 7.

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 advocates appearing for the petitioner and the respondent nos. 6 and 7.

The petitioner is aggrieved by the fact that his enjoyment in the property is unnecessarily being interfered with at the behest of the private respondents who are trying to encroach his property. The petitioner further complains that he has been mercilessly assaulted and to that effect, even after informing the police authorities, the police authorities did not take any step.

State has submitted a report which reflects that the police authorities conducted an enquiry and found that the respondent nos. 6 and 7 are very desperate and dangerous in nature and to that

effect, they have drawn up proceedings under Section 126 of BNSS.

Mr. Ganguli, learned advocate appearing for the private respondent nos. 6 and 7 submits that the petitioner approached the civil court by way of a partition suit and thereafter he has withdrawn the same from the court of the learned Civil Judge (Senior Division), Bishnupur.

In view of the nature of the dispute existing between the petitioner and the private respondents, the police authorities in their report has contended that they have kept a sharp vigil. If the petitioner has medical documents in his possession to show that he has been assaulted, as has been contended, the petitioner would approach the learned jurisdictional Magistrate by way of invoking the provisions of Section 175(3)/223 of the BNSS. The learned Magistrate will apply his mind, call for report, if required, assess whether a cognizable offence is made out and thereafter exercise his discretion in accordance with law.

Since the police authorities are keeping a strict vigil, they would continue their surveillance 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 2601 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.)