

M/L 34
10.02.2025
Kausik
ct.no.35

W.P.A. 2559 of 2025

**M/s. Zeniak Innovatiain India Ltd.
Versus
State of West Bengal & Ors.**

Mr. D.N. Chatterjee
Mr. P. Sengupta
Mr. B. Sengupta

...for the petitioner.

Mr. Suman Sengupta, Sr. Govt. Adv.
Mr. Sanatan Panja

...for the state.

Petitioner claims to be the owner of the property who is being disturbed and threatened by the respondent nos. 3 to 6.

It is further claimed that the private respondents have no authority to enter their premises. However, they are adamant, aggressive and are pursuing their illegal design, thereby disturbing the peaceful enjoyment of the property of the petitioner.

Petitioner has informed to the police station. However, till date no action has been taken by the police authorities.

Learned advocate appearing for the State has submitted a report prepared by the Officer-in-Charge, Watgunge Police Station which reflects that

proceedings under section 107 of Cr.P.C. was initially commenced thereafter another proceeding under section 163(2) of the BNSS has also been drawn up against the respondent nos. 3 to 6.

Having considered that the police authorities inspite of taking steps, the petitioner is suffering from insecurity, I direct that in case the police authorities have not taken actions, petitioner would be at liberty to approach the jurisdictional criminal court under section 175(3) of the BNSS. Learned Magistrate would in the said set of circumstances assess as to whether any cognizable offence has been made out and/or any case for investigation has been made out, thereafter pass necessary orders as he deems fit and proper.

The police authorities are already in seisin of the proceedings under section 107 of Cr.P.C. as also the proceedings under section 163(2) of the BNSS wherein they have submitted their report also before the jurisdictional Executive Magistrate. They are further directed to continue the surveillance and see to that no untoward incident results or there is any breach of peace and/or tranquility as the parties are in an inimical relationship.

With the aforesaid observations WPA 2291 of 2025 is disposed of.

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

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

(Tirthankar Ghosh, J.)