

17.02.2025
Court No. 35
Item No.43
Rakib

W.P.A. 2798 of 2025
Md. Kamal Mamuluddin Shaikh.
VS
The State of West Bengal & Ors.

Mr. Sajal Kumar Pandit,
Mr. Mahim Sasmal.
... for the Petitioner.

Mr. Pinaki Dhole,
Mr. Rabindra Kumar Pathak,
Ms. Srijita Noe.
... for the Respondent Nos. 6 to 9 & 12, 13.
Mr. Santanu Kr. Maitra,
Mr. Subhabrata Das.
. ... for the State.

Petitioner is granted leave to strike down 'prayer a' incorporated in the writ petition.

Petitioner is aggrieved by the fact that in spite of informing the police authorities regarding the disturbance and interference created by the private respondents for the purposes of encroaching upon his property, no steps have been taken. To that effect petitioner approached the Executive Magistrate, however, still the police authorities did not put in their efforts.

Learned advocate for the State has submitted a report. Report reflects that police authorities pursuant to the information received have taken steps and drawn up proceedings under Section 126 of BNSS.

Learned advocate for the private respondents submit that the petitioner has distorted facts to his own advantage so that subsequently he can claim dominance

in respect of the property which is the spirit of the writ petition.

In view of the report so submitted prima facie it reflects that the petitioner and the private respondents are at loggerhead. Police authorities have been keeping a strict vigil, they would continue to keep surveillance and would 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 petitioners and the private respondents.

With the aforesaid observations WPA 2798 of 2025 is disposed of.

Report submitted by the State be kept with the record.

Copy of the report be handed over to both the parties.

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.)