

25.02.2025
Court No. 35
Item No.159
Rakib

W.P.A. 3385 of 2025
Gobinda Chandra Mondal.
VS
The State of West Bengal & Ors.

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De.
... for the Petitioner.
Mr. Vimal Kumar Shahi, Ld. AGP.,
Ms. Pratiti Das.
... for the State.

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

Petitioner claims that although the property belongs to him the same is interfered at the behest of the private respondents and as such the petitioner cannot peacefully enjoy the property, neither he is able to carry on the cultivation properly as he is continuously resisted illegally by the private respondent. Petitioner further contends that the private respondents approached the Civil Court in Title Suit No. 435/2023 and the Civil Court also refused to pass any interim order on the prayers advanced by the private respondents.

State has submitted a report and they have also conducted an enquiry with the aid of the local disinterested witnesses, who have supported the contentions of the petitioner advanced in the writ petition. There was complete non-cooperation from the private respondents while enquiry was proceeding and there was an arrogant behaviour towards the enquiry officer. As

such in order to maintain peace and tranquility the police authorities were compelled on 24.01.2025 to draw up proceedings under Section 126/135(3) of the BNSS.

Since the law enforcement agency has suo moto drawn up proceedings under Section 126/135(3) of the BNSS which has normal life of six months, police authorities as and when reported by the petitioner will respond to the issue and ensure that at the time when the petitioner is engaged in his work or working in his property, there is no breach of the peace and/or tranquility. In case there is an eventuality and the private respondents are arrogant, petitioner would be at liberty to approach the learned Executive Magistrate within the scheduled period of six months. The learned Executive Magistrate will not deter to impose a good behaviour bond thereby imposing a condition upon the respondents to stay outside the jurisdiction of the local police station.

With the aforesaid observations, WPA 3385 of 2025 is disposed of.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the petitioner.

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.)