

26.02.2025
Item No.206
Ct. No.35
dc.

W.P.A. 3611 of 2025

Kabirul Jaman Mallick
versus
The State of West Bengal & Ors.

Mr. Supriyo Shasmal ... For the Petitioner.

Mr. K. J. Yusuf, AGP,
Mr. Sanjay Mukherjee ... For the State.

Mr. Suman Chakraborty ... For the Respondent Nos.5 & 6.

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. 5 and 6.

The petitioner complains that his business is being interfered at the behest of the private respondent nos. 5 and 6 and to that effect, repeated intimations have been made to the police authorities. However, no steps have been taken till date. Petitioner states that he has trade licence and as such, he has right to carry on his business, but no assistance is rendered by the police authorities.

Learned advocate appearing for the private respondent nos. 5 and 6, on the other hand, submits that there is a family dispute and the petitioner is forcefully occupying the portion for which there is bitterness amongst the relations.

The nature of the dispute complained of should be adjudicated by the civil court and this Court has got no jurisdiction to interfere with the accusations made.

State has submitted a report which reflects that enquiry was conducted and it revealed that non-cognizable offence has been made out. However, the police authorities in order to maintain peace and tranquility drew up proceedings under Sections 126/135 of the BNSS. Having considered that the police authorities have taken steps within their powers, I am of the view that they will continue to maintain the vigil and ensure that no untoward incident results because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 3611 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.)