

Court No. 35
22.01.2025
(Item No. 44)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 3565 of 2024

Ashtupada Banduri
VS
The State of West Bengal & Ors.

Mr. Chinmoy Pal
Mr. Archan Datta
Ms. Meghna Datta
Ms. Aditi Bhattacharyya
.... For the petitioner
Mr. Rajarshi Basu
Mr. S. T. Mina
.... For the State

Affidavit of service filed in Court today is taken on record.

Petitioner alleges that the respondent Nos. 6 and 7 are trying to forcefully occupying the petitioner's property and to that extent he has been threatened on several occasions. He has further alleged that private respondents have damaged the boundary wall of the petitioner.

Learned advocate for the State has submitted a report prepared by the Officer-in-charge of the Singur Police Station which reflects that in respect of all the accusations and/or allegations made by the petitioner the allegations relating to damage to the property has not been substantiated. However there remains a property dispute between the petitioner and the private respondents. Police authorities in order to prevent such dispute have drawn up proceedings

under Sections 107/116 of the Code of Criminal Procedure.

Be that as it may, in case the petitioner is aggrieved by the act and action of the Police authorities considering the nature of the allegations, petitioner would approach the Jurisdictional Magistrate by invoking the provision under Sections 175(3)/Section 223 of the B.N.S.S.

The learned jurisdictional Court would assess regarding the accusations and as to whether any cognizable offence or any offence for investigation for that purpose has been made out and thereafter exercise his discretion in passing orders.

As the Police authority is keeping strict vigil I direct the Police authorities to continue the surveillance and ensure that no breach of the peace or tranquility takes place or any un-towards incident results because of the inimical relationship existing between the parties.

With the above observations W.P.A. 3565 of 2024 is disposed of.

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

All concerned parties shall act on the serve 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.)