

24.02.2025
Item No.109
Ct. No.35
dc.

W.P.A. 3678 of 2025

**Ranjan Pattanayak
versus
The State of West Bengal & Ors.**

Mr. Amit Baran Dash,
Ms. Ankana Sarkar ... For the Petitioner.

Mr. Swapan Banerjee, AGP,
Mr. Soumen Chatterjee ... For the State.

Mr. Kalipada Chakraborty
... For the Respondent Nos. 7 & 8.

The petitioner is aggrieved by the fact that his representation with the police authorities dated 05.02.2025 was not considered in spite of a status quo order passed in T.S. No. 150/2016. Attention of the Court has been drawn to the status quo order which is relating to nature, character and possession. However, the grievance of the petitioner is that certain materials were taken away by the private respondents and to that extent, information was furnished to the police authorities and the police authorities refused to take any action.

Learned advocate for the State submits that earlier an application under Section 163 of BNSS has been submitted before the learned Executive Magistrate and pursuant to directions passed, the police authorities submitted a report. In view of the nature of dispute and differences, the police authorities have also drawn up proceedings under Section 126 of the BNSS.

Learned advocate appearing for the respondent nos. 7 and 8 refers to the record of rights and submits that the respondents have major part of the property and only in respect of a part of the property, status quo order has been passed and as such, the respondents are not affected by the order so passed.

Having considered the nature of dispute and differences which arise from the land in issue, I am of the view that the civil court is already in seisin of the matter. In case any dispute and/or differences arise which has its genesis from the property in issue, the petitioner would approach the civil court with appropriate prayers and if there are directions by the civil court upon the police authorities, the police authorities then would render their assistance by way of respecting, obeying and implementing such order.

So far as the information dated 05.02.2025 is concerned, *prima facie*, I am of the view that the petitioner should approach the learned Magistrate under Section 223 of the BNSS. The learned Magistrate would adhere to the provisions of law, conduct enquiry and thereafter exercise his discretion as to whether to proceed with the issuance of process or not.

Since the petitioner and the private respondents are at loggerheads, the police

authorities would keep a strict vigil and ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, the writ petition being WPA 3678 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.)