

D/L 115
24.02.2025
Bpg.
ct.no.35

W.P.A.3710 of 2025

**M/S. Bhagyawati Construction & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Soumik Ganguly
Mr. Pritam Choudhury
Ms. Sarmistha Das.
...for the petitioners.

Mr. Biswabrata Basu Mallick
Mr. Wasim Ahmed
Md. Ziaur Rahaman.
...for the State-respondents.

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

Petitioners are aggrieved by the fact that the
private respondent nos.5 to 9 are threatening the
petitioners and interfering with their business as they
have been resisted in pursuing their illegal activities
of supplying low quality materials which they are
forcing the petitioners to accept and to raise
construction on the same.

Learned advocate appearing for the State has
submitted a report. Report reflects that the
petitioners and the private respondent no.5 entered
into a relationship as labour contractors and for
materials supply. Report also reflects that there was a
dispute in respect of payment and, as such, the police
authorities had no opportunity to interfere with any

terms and conditions which arose from an agreement entered into by both the parties.

In view of the nature of the accusations made in the writ petition as also information furnished with the police, I grant liberty to the petitioner to approach the jurisdictional Magistrate under Section 175(3) of the BNSS under the relevant provisions of BNSS. Learned Magistrate will assess whether any cognizable offence has been made out and thereafter also ascertain as to whether a case for investigation is made out and then pass necessary orders as he deems fit and proper. Police authorities would ensure that the petitioner nos.2 and 3 are not affected any way at the behest of the private respondents interfering with the day-to-day activities of the same business.

With the aforesaid observations, WPA 3710 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)