

D/L25
10.03.2025
Bpg.
ct.no.35

W.P.A.4399 of 2025

**Achintya Kumar Maity
Versus
The State of West Bengal & Ors.**

Mr. Uttam Kr. Bhattacharyya
Mr. Kaustuv Mishra.
...for the petitioner.

Mr. Suman Ghosh
Mr. Arka Mondal..
...for the State-respondents.

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

Petitioner informed the Officer-in-Charge,
Patashpur Police Station as he claims that a fencing
has been constructed and since he had a husking
machine at the area wherein paddy has been stored
for the purposes of his business, he is being
obstructed from carrying out his business peacefully.
On receipt of such information, police authorities
registered Patashpur P.S. G.D. Entry No.868 dated
18.11.2024. Subsequently, petitioner also informed
the police station. However, no steps have been taken.

State has submitted a report. Report reflects
that there is a long standing dispute existing between
the petitioner and the private respondents.

On 10.02.2025 an information was furnished
and on an enquiry the police authorities came to

know that a hot altercation took place between both the parties following which in order to maintain peace and tranquility, a proceeding under Section 126 of BNSS has been drawn up against the private respondents. The police authorities are of the opinion that the nature of dispute relates to demarcation of the land.

In view of the nature of dispute complained refers to a civil dispute, police authorities if they are of the opinion that there is proper trade licence along with other relevant documents of the petitioner in carrying out the husking machine and the petitioner intends to have access and use the same, the police authorities would ensure the petitioner is able to carry out his trade and profession without being obstructed. Needless to state that this Court has not gone into the issue relating to right, title and interest of the property but it would be for the police authorities to assess whether the petitioner has been obstructed to carry out his business in spite of having relevant documents in his custody.

With the aforesaid observations, WPA 4399 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)