

04
01.12.2025
Ct. No.5
b.das

WPA 4950 of 2023

Md. Rafik Shah & Ors.
Vs.
The State of W.B. & Ors.

Ms. Priya Ghosal ...for the petitioners.

Mr. Pantu Deb Roy
Mr. Asish Datta ...for the State.

Affidavit of service filed by the petitioners is taken on record.

None appears for the respondents despite service.

Mr. Pantu Deb Roy who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the appropriate authority.

The petitioners are directed to serve copy of the writ petition along with annexure thereto upon Mr. Roy in course of this day.

Learned counsel for the petitioners submits that the petitioners are the owners of property in question. Despite orders passed by the Trial Court as well as the Sub-Divisional Executive Magistrate, the private respondents are disturbing their peaceful possession in the property. The petitioners lodged complaints before the police authority which have not been acted upon.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that in the event the complaints lodged by the petitioners have not been acted upon by the police authority, the petitioners are at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS.

In the meantime, the police authority is directed to keep strict vigil over the area in order to avoid any untoward incident in the area and to ensure peace and tranquility.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)