

Sl.No. 31 25.03.2025
Court No. 35
G.S.Das

WPA 5716 of 2025

Sk. Rafikul Islam
-Vs-
The State of West Bengal & Ors.

Ms. Ipsita Ghosh
... for the Petitioner(s)

Mr. Suman Ghosh
Mr. Sankha Prasad Roy
... for the State-respondent(s)

Mr. Pradip Kumar Ghosh
Ms. Namita Basu
Mr. S. Bala
... for the private respondent nos.5-9

The petitioner is aggrieved by the fact that the private respondents are trying to grab his property and for that reason they are obstructing the construction which he intends to raise on his property.

Learned advocate for the private respondents disputes regarding the ownership of the property and submits that a Title Suit has been preferred at the instance of the private respondents which is pending before the learned jurisdictional civil court. Learned advocate also submits

that until and unless the learned civil court decides and/or demarcates in respect of the property, this court under Article 226 of the Constitution of India should not interfere in respect of the disputes referred to by petitioner so far as the property is concerned.

Learned advocate for the State submits a report which reflects that so far as the information dated 19.02.2025 is concerned the same was received and the petitioner was asked to return with some supportive documents.

However, the police authorities observed that there were incidents of hot altercation between the petitioner and the private respondents. Although, a G.D. Entry has been registered, no cognizable offence could be detected. Accordingly, the police authorities drew up a proceeding under Section 126 of the BNSS for maintaining peace in the locality.

So far as the nature of the accusations relating to outraging of modesty of the wife of the petitioner and the petitioner and his wife being physically assaulted at the hands of the private respondents are concerned, I am of the view that the petitioner would be at liberty to approach the jurisdictional criminal court under the necessary provisions of law. The jurisdictional criminal court will assess whether any offence is made out, thereafter, ascertain under which provision to proceed with the case.

As the police authorities have already drawn up a proceeding(s) under Section 126 of the BNSS, they would continue with their surveillance and put in efforts to prevent any breach of the peace and/or tranquility at the behest of the parties referred to in the writ petition.

With the aforesaid observations, WPA 5716 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record. Copies of the report be handed over to both the parties.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)