

D/L 24
26.03.2025
Bpg.
ct.no.35

W.P.A.5957 of 2025

**Santosh Mahata
Versus
The State of West Bengal & Ors.**

Mr. Lal Ratan Mondal
Mr. Dilip Kumar Sadhu
Mr. Avik Kumar Das.
...for the petitioner.

Mr. Vimal Kumar Shahi
Ms. Pratiti Das.
...for the State-respondents.

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

Petitioner is aggrieved by the fact that the private respondents are trying to encroach upon his property and to that effect they have already looted the vegetables which were cultivated by him. Petitioner has also approached the learned Executive Magistrate, thereby invoking its power under Section 163(2) of the BNSS and in spite of the same, the private respondents are pursuing their illegal activities.

State has submitted a report. Report reflects that the incident relating to the looting and damaging of vegetables are concerned, those on enquiry were not found to be correct yet the police authorities have on the basis of the initial complaint registered a case

being Belpahari P.S. Case No.96 of 2024 dated 18.12.2024 and a charge-sheet has also been submitted in connection with the said case on 31st January, 2025.

Having considered that the police authorities have registered the case and the petitioner is presently apprehensive regarding the act and actions of the private respondents, I am of the view that the petitioner would, if so advised, approach the jurisdictional criminal court by way of invoking the relevant provisions. Learned Magistrate will consider such application and pass directions, if necessary in accordance with law. Police authorities would only ensure that there is no further untoward incident as the petitioner and the private respondents are in a strained relationship.

With the aforesaid observations, WPA 5957 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.)