

26.03.2025

Item No.28

Ct. No.35

dc.

W.P.A. 5976 of 2025

**Mir Azharuddin
versus
The State of West Bengal & Ors.**

Mr. Moniruzzaman,
Mr. Jahangir Badsha ... For the Petitioner.

Mr. Asish Kumar Guha,
Mr. Benazir Ahmed ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved by the fact that in his property, the private respondents are interfering and obstructing the cultivation which he is supposed to carry on. To that effect, when resisted, the petitioner was also assaulted by the private respondents.

Learned advocate appearing for the State submits that there is a dispute as there is a history of the land owners and the bargadars concerned. The private respondents are claiming to be bargadars.

So far as the physical assault is concerned, it is submitted that the State was unable to unearth any factual foundation regarding such allegation.

In view of the petitioner's representation to the Inspector-in-Charge, Ketugram Police Station reflecting that there has been incident of physical assault, I grant liberty to the petitioner to approach the jurisdictional court under the relevant provisions of law, if the police authorities in spite of representation did not act on the same. The learned Magistrate would assess regarding the correctness of the accusations and thereafter decide whether to proceed or not to proceed with the application so filed.

In the meantime, the police authorities would ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident results because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 5976 of 2025 is disposed of.

There will be no order as to costs.

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

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

(Tirthankar Ghosh, J.)