

Sl.No. 21.04.2025
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Court
No. 35
G.S.Das

WPA 6843 of 2025

Ardhendu Roy
-Vs-
The State of West Bengal & Ors.

Mr. Sanjay Mukherjee
Mr. Chiranjit Pal
... for the Petitioner(s)
Mr. Jahar Lal De, Id. AGP
Mr. Saikat Chatterjee
... for the State-respondent(s)

Learned advocate for the petitioner is aggrieved by the fact that in spite of informing Narayangarh Police Station as well as the Superintendent of Police of the district, no action has been taken against the private respondent(s), who are interfering with the peaceful enjoyment of the property.

The main grievance of the petitioner is that the private respondent(s) are continuously threatening, damaging the fencing, committing theft in respect of the trees/fruits as also the iron pipes etc. The incident was reported to the police station

but the police authorities till date did not take any action.

State has submitted a report which reflects that the incident was recorded as GDE No. 555 dated 12.11.2024. Subsequently, on receipt of the information a proceeding under Section 126 of the BNSS has been drawn up for maintaining peace at the area.

The report also speaks that a civil suit being T.S. No. 28 of 2025 has been preferred before the learned Civil Judge (Jr. Divn.), Kharagpur, Paschim Medinipur.

Having considered that series of events having taken place in spite of the police authorities taking action, if the petitioner is of the opinion that a cognizable offence has taken place, the petitioner would approach the jurisdictional Magistrate under Section 175(3) of the BNSS. The learned Magistrate will assess relating to the factual foundation as to

whether any investigation is called for, thereafter, exercise his/her discretion in accordance with law.

The police authorities have already drawn up a proceeding under Section 126 of the BNSS. Consequently, they would continue their surveillance and ensure that no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 6843 of 2025 is disposed of.

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

Report so submitted be kept with the record. A copy of the report be handed over to the learned advocate for the petitioner.

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.)

