

10.12.2025
Item No.27
Ct. No.01
RP

FMA 563 of 2025
+
IA NO.CAN 1 of 2025

Satinath Goswami & Anr.
VS.
The State of West Bengal & Ors.

Mr. Prolay Bhattacharya
Ms. Tanusree Ghosh
...For Appellants

Mr. Jahar Datta
Mr. Bipin Ghosh
...For State

Mr. Manas Kumar Das
...For Respondent Nos.7 to 15

PER, PARTHA SARATHI SEN, J.:

1. The subject matter of challenge in the instant appeal is the order dated 21.02.2025 as passed by the learned Single Bench of this Court in WPA 3160 of 2025.
2. At the time of hearing, learned counsel appearing on behalf of the writ petitioners/appellants submits before this Court that the impugned order has been passed overlooking the prayers made in the writ petition. It is further submitted that serious prejudice is caused to the writ petitioners since

the learned Single Bench has formed an opinion that the dispute as involved in the instant writ petition is civil in nature.

- 3.** Learned advocate for the State and learned advocate for the respondent nos.7 to 15 are present in Court and they support the impugned order.
- 4.** We have heard the learned counsels for the contending parties at length. We have perused the entire materials as placed before this Court.
- 5.** On perusal of the prayers made in the writ petition it reveals that the writ petitioners before the learned Single Bench have made basically two prayers, which are as follows.

“a) A writ in the nature of Mandamus directing the police authorities to take immediate steps against the private respondents after considering his written complaint (P1), and also ensure the peaceful possession of the petitioners in their own land.

b)A writ in the nature of mandamus commanding the respondent no.2 and 3 to provide immediate police protection to the petitioner and their family members and maintain peace and tranquility.”

- 6.** On careful perusal of the order impugned dated 21.02.2025 it reveals that the learned Single

Bench has notice that on the basis of the complaint made by the writ petitioners the jurisdictional Officer-in-Charge has initiated a proceeding under Sections 126/135 of BNSS.

- 7.** It further reveals from the impugned order that the learned Single Bench has found that prima facie the writ petitioners and the private respondents are at loggerhead and directed the police authorities to ensure that no breach of peace and tranquility and/or any untoward incident occur on account of inimical relationship between the petitioners and the private respondents.
- 8.** In our considered view, with such observation the prayer (b) of the writ petitioners is practically allowed by the learned Single Bench.
- 9.** So far as the grievance of the writ petitioners regarding finding of the learned Single Bench that the dispute is civil in nature, we have noticed that the learned Single Bench while passing the impugned order has not made any such observation and we have also noticed that the learned Single Bench has simply recorded

that in the report it has been stated that according to the police the dispute is civil in nature.

10. In view of discussion made hereinabove and in view of the fact that the learned Single Bench has practically given all the reliefs to the petitioners, we find no merit at all to interfere with the order impugned.

11. With the aforementioned observation, the instant appeal is disposed of. With the disposal of the instant appeal, the interlocutory application is also disposed of.

12. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL, ACJ.]

[PARTHA SARATHI SEN, J.]