

17.04.2025
Court No. 35
Item No.9
Rakib

W.P.A. 6797 of 2025

Sk Mofidul Islam.
VS
The State of West Bengal & Ors.

Mr. Sabyasachi Roy.
... for the Petitioner.
Ms. Sabnam De Bardhan,
Ms. Kakali Naskar.
...for the State.

Petitioner is aggrieved by the fact that inspite of information furnished with the Officer-in-Charge, Pursurah Police Station, no steps have been taken. According to the petitioner whenever labours/workers/masons are engaged they are attacked. Consequent to which not only inconveniences but also harassment is faced by the petitioner. To that effect earlier Pursurah Police Station Case no. 308/2024 dated 16.10.2024 was registered for investigation. Subsequently, the petitioner was compelled to initiate a proceeding under Section 144(2) of the Code of Criminal Procedure. Petitioner expresses agony because of the act and action of the private respondents and submits that until and unless the life and liberty of the petitioner are protected it would result in violation of the rights of the petitioner.

Be that as it may, State has submitted a report. Report reflects that consequent to Pursurah PS case no. 308/2024 being registered for investigation, charge-sheet has already been submitted in connection with the said

case. A counter case was registered on the basis of a complaint of one Arsina Begam which was registered as Pursurah PS case no. 309/24 dated 16.10.2024 and the same ended in charge-sheet. There were proceedings initiated also under Section 144 of the Code of Criminal Procedure before the learned Executive Magistrate.

An enquiry was also conducted by the police authorities themselves and it was found that there is every possibility of breach of the peace. Accordingly proceedings were drawn up under Sections 126/135(3) of the BNSS.

Having considered that such proceedings have been drawn up on 20th September, 2024 as also on 20th March, 2025, I am of the view that there is a long standing dispute existing between the petitioner and the private respondents. Having considered the same I direct the police authorities to continue their surveillance and ensure that no untoward incident results from the strained relationship existing between the petitioner and the private respondents.

So far as the other issues are concerned petitioner would be at liberty to approach the jurisdictional Civil Court or Criminal Court according to the nature of the dispute which took place.

With the aforesaid observations WPA 6797 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)