

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

WPA 6898 of 2025

Dilip Mondal
-Vs-
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Kartik Chandra Kapas
Mr. Chandranath Sarkar
... for the Petitioner(s)
Mr. Rajarshi Basu
Mr. Ananda Dulal Sarkar
... for the State-respondent(s)
Mr. Tarak Nath Sarkar
... for the private respondent nos. 6-10

The petitioner is aggrieved by the fact that he and his family members are being attempted to be thrown out from his residential premises.

On 12.03.2025, the petitioner and his family members were not only threatened but also restrained from entering their residence with the aid of some antisocial by brandishing deadly weapons.

Being insecured by the act and actions of the private respondents, an information was furnished with the Daspur

Police Station.

A report has been submitted by the Officer-in-charge of Daspur Police Station, which reflects that they have conducted an enquiry, wherefrom, it reveals that hot altercation as well as a scuffling took place when the writ petitioner restrained the private respondents from constructing a new building.

The report also reveals that a proceeding under Section 126 of the BNSS has been drawn up for maintaining peace and tranquility in the area. According to the police authorities, there is a long standing dispute existing between the parties.

Learned advocate for the private respondents submits that the dispute, *although*, has a complete flavor of civil dispute, the petitioner is resorting to a direction upon the police authorities to establish his dominance over the property

which is not maintainable in the eye of law.

I have considered the submissions of the respective parties and, I am of the view that so far as the dispute relating to the land is concerned, the civil court would decide regarding the right, title, interest, possession, usages of the property. The police authorities will not enter into the said domain.

So far as the issue of brandishing of deadly weapons is concerned, *prima facie*, the police authorities did not find support in the accusations so made, as such, they have drawn up a proceeding under Section 126 of the BNSS.

If the petitioner has any evidence in his possession, the petitioner will approach the jurisdictional criminal court under the relevant provisions of Section 175(3) of the BNSS. The learned criminal court will exercise his/her discretion after

considering the preliminary evidence produced by the petitioner.

For the time being, the police authorities would ensure that no breach of the peace and/or tranquility takes place as also no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 6898 of 2025 is disposed of.

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

Report so submitted be kept with the record. Copies of the report be handed over to learned advocates for both the parties.

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.)

