

Sl.No. 22.04.2025
100
Court
No. 35
G.S.Das

WPA 7252 of 2025

Samumiya Karikar @ Samumiya Molla & Ors. -Vs- The State of West Bengal & Ors.

Mr. Anirban Mitra
Mr. Amit Halder
Mr. Amit Roy
... for the Petitioner(s)
Mr. Suman Ghosh
Mr. Sankha Prasad Roy
... for the State-respondent(s)
Mr. Md. Y. Mondal
... for the Private Respondent(s)

The petitioners are aggrieved by the fact that in spite of the learned Civil Court's decree, the private respondents have encroached upon their property and, when they resisted, the petitioner no.1 and his son were assaulted at the behest of the private respondents. To that effect, an information was furnished with the police authorities, but, till date, the police authorities did not take any appropriate steps.

Learned advocate for the private respondents, on the other hand, disputes

the contentions advanced by the petitioners and submits that in spite of the property being demarcated, the petitioners are trying to encroach upon a part of the property which belongs to them, as such, disputes and differences have arisen.

Learned advocate for the respondents also disputes and denies each and every allegation made in the writ petition.

Learned advocate for the State has submitted a report which reflects that an enquiry was conducted by A.S.I. Prakash Kumar Shill associated with the Matia Police Station. Consequent to which, a proceeding under Section 126 of the BNSS has been drawn up against the respondent nos. 5 to 16.

The police authorities have referred in the report regarding the history of the long standing dispute and also stated that, according to them, no cognizable offence

has been made out.

Learned advocate for the petitioner is of different opinion. According to him, a cognizable offence has been made out since the petitioner's son was subjected to assault.

Having considered the same, I am of the view that the petitioners would be at liberty to approach the learned jurisdictional Magistrate under the relevant provisions of law. The learned Magistrate would assess whether any cognizable offence is made out and/or ascertain whether any case for investigation has been made out, thereafter, pass necessary order(s) in accordance with law.

As the police authorities have already drawn up a proceeding under Section 126 of the BNSS, they would continue their surveillance as also ensure that no untoward incident results because of the inimical relationship existing between

the parties.

With the aforesaid observations,
WPA 7252 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.)

