

D/L 37
06.05.2025
Bpg.
ct.no.35

W.P.A.9000 of 2025

Md. Idrish Mondal
Versus
The State of West Bengal & Ors.

Mr. Goutam Ray.
...for the petitioner.

Ms. Shabnam De Bardhan
Ms. Subhra Nag.
...for the State-respondents.

Mr. Partha Pratim Roy
Mr. Samrat Chakraborty.
...for the respondent nos. 4, 5 and 6.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that the
petitioner and his wife was assaulted by the private
respondents and in spite of informing the police
authorities, no action has been taken. Learned
advocate for the petitioner admits that there is a long
standing land dispute. However, so far as the issue
relating to physical assault is concerned, no steps
have been taken by the police authorities.

Learned advocate for the State has submitted
a report. Report reflects that already the learned Civil
Judge (Senior Division), 2nd Court, Berhampore is in
seisin of Partition Suit No.217 of 2024. There are
dispute relating to ownership of the property. Police

authorities have further disputed in respect of any assault which has taken place arising out of the dispute relating to the land.

Learned advocate for the private respondents adopts the contentions advanced on behalf of the State.

Report also reflects that already a proceeding under Section 126 of the BNSS has been drawn up by the police authorities and they have been keeping a sharp vigil.

In view of the background of the case, I am of the opinion that the petitioner would be at liberty to approach the jurisdictional Magistrate since the police authorities have disputed the issue relating to assault. Learned Magistrate would consider the accusations made by the petitioner after conducting a preliminary enquiry and thereafter take steps adhering to the provisions of law. Police authorities would oversee and continue their surveillance so that no further breach of the peace and/or tranquility takes place.

With the aforesaid observations, WPA 9000 of 2025 is disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)