

D/L 29
20.03.2025
Bpg.
ct.no.35

W.P.A.10474 of 2024

**Amal Maity & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Debasis Sur
Mr. Hare Krishna Halder.
...for the petitioners.

Mr. Rajarshi Basu
Mr. Anirban Dutta.
...for the State-respondents.

Petitioners are aggrieved by the fact that the private respondents are trespassing to the land of the petitioners and are threatening the petitioners of dire consequences and it has come to the knowledge of the petitioners that the private respondents are in possession of forged deed which they have prepared by fabrication of the actual set of facts.

Learned advocate appearing for the State has submitted that in the writ petition itself it is reflected that a title suit is pending between the parties.

Records reflect that the information which was furnished with the Officer-in-Charge, Minakha Police Station was dated 13th February, 2024.

Having considered that already a civil suit is pending and the police authorities have not taken any steps, petitioners would be at liberty to approach the

learned jurisdictional Magistrate under Section 175(3) of the BNSS. Learned Magistrate would assess as to whether any cognizable offence has been made out and also ascertain as to whether any case for investigation is made out and thereafter proceed in accordance with law. Police authorities in the meantime would ensure that there is no breach of the peace and/or tranquility and/or any untoward incident resulting if the situation so persists till date because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 10474 of 2024 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.)