

24.06.2025
Court No. 35

M/L. 15
Rakib

W.P.A. 10225 of 2025

Debasish Chatterjee.
VS
The State of West Bengal & Ors.

Ms. Riya Das,
Mr. R. Chatterjee.

... for the Petitioner.

Mr. Arindam Sen,
Mr. Sourav Basu,
Ms. S. Auddya.

...for the respondent no.9.

Mr. Atarup Banerjee,
Mr. Rajdeep Pramanik.

...for the respondent
no.11.

Mr. Suman Sengupta, Sr. Govt. Adv,
Mr. Sanatan Panja.

...for State.

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

Learned advocate for the petitioner is aggrieved by
the act and action of the police authorities as the
representation made to the Officer-in-Charge, City Centre
Police Station, Durgapur, did not yield any result and the
private respondent according to the petitioner has been
adamant in carrying out his activities. Petitioner
complains that already a Civil Suit being T.S. 88/2021 is
pending, however, interim order was vacated pursuant to
steps taken by the petitioner.

State has submitted a report which reflects that
already proceedings under Section 115(2) of the BNS has
been drawn up and police authorities are enquiring into

the disputes, so far as the information furnished by the petitioner is concerned.

Learned advocate for the private respondents no. 9 and private respondent no.11 are present and both the learned advocates submit that the writ petition has been preferred by suppressing the material particulars.

Be that as it may, there is an existing dispute with respect to a particular property which the Civil Court in seisin of the issue. However, the petitioner's accusation are that he is being forcefully and illegally obstructed by the private respondents, his free egress and ingress to his property is restrained.

In view of the submissions so advanced, petitioner would be at liberty to take out an appropriate application by highlighting the offences complained of by filing an application under Section 175(3) of the BNSS before the Jurisdictional Magistrate. Learned Magistrate would assess and ascertain in respect of the genuinity of the accusations and thereafter pass necessary orders in accordance with law.

With the aforesaid observations WPA 10225 of 2025 is disposed of.

Report submitted by the State be kept with the record.

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.)