

M/L 31
07.07.2025
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ct.no.35

W.P.A.11007 of 2025

**Amarlal Chatterjee
Versus
The State of West Bengal & Ors.**

Mr. Nilanjan Adhikari
Mr. Nitin Sharma
Ms. Oindrila Sinha.
...for the petitioner.

Mr. Ayan Chandra Roy
Mr. Debangshu Dinda.
...for the State-respondents.

Mr. Mohit Gupta
Ms. Mousumi Pal
Mr. Kaushik Modak.
...for the respondent nos.8 and 11.

Mr. Kushal Chatterjee
Mr. Debrup Choudhury.
...for the respondent no.10.

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

Petitioner is aggrieved by the fact that in
spite of T.S. 1136 of 2024 pending before the learned
Civil Judge (Senior Division), 3rd Court, Barasat and a
Misc. Appeal Case No.154 of 2024 pending before the
learned Additional District Judge, 8th Court, Barasat,
the private respondents have taken law in their own
hands and to that effect, the petitioner along with his
physically challenged child has been subjected to
threat, harassment and physical assault.

Learned advocate for the private respondents denies the accusations and submits that there is a long standing civil dispute, a writ petition has been preferred and the petitioner has tried to invoke the powers of the police for wrongful causes.

State has submitted a report. Report reflects that number of General Diary Entries have been recorded in respect of the information so furnished, a proceeding under Section 126 of the BNSS have been drawn up. However, no cognizable offence could be detected, as such, no FIR could be registered by the police authorities.

Having considered the submissions of the respective parties, I am of the view that there are disputes between the petitioner and the private respondents over property. So far as the issues relating to repairing/construction etc. are concerned, since the civil court is in seisin of the issue, this Court will not interfere with the same. As the police authorities have drawn up a proceeding under Section 126 of the BNSS, police authorities would continue their surveillance and ensure that no further untoward incident results because of the strained relationship existing between the petitioner and the private respondents. Further it is directed that if the petitioner is in possession of documents which would

reflect that cognizable offence is made out, petitioner would be at liberty to approach the jurisdictional Magistrate under the relevant provisions of law. The learned Magistrate would assess and ascertain the genuinity of the allegations and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations, WPA 11007 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

Copy of the report be handed over to the learned advocates appearing for the parties.

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.)