

11.07.2025
Item No.07
Court No.11
Avijit Mitra

MAT 853 of 2025
with
IA No.CAN 1 of 2025
with
IA No.CAN 2 of 2025

Badal Chandra Kuity
- Versus -
State of West Bengal & ors.

Mr. Golam Mostafa,
Mr. Tarasankar Samanta
....for the appellant
Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das
...for the State respondents
Mr. Partha Pratim Roy,
Mr. Samrat Chakraborty
...for the respondent nos. 5 to 8

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 10th April, 2025 passed by the learned single Judge in the writ petition being WPA 26547 of 2024. In connection with the present appeal, an application for condonation of delay being IA No.CAN 2 of 2025 has been filed.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, we are satisfied with the explanation given towards the delay in preferring the appeal.

In view thereof, the delay is condoned and the application for condonation of delay being IA No.CAN 2 of 2024 is disposed of.

Mr. Mostafa, learned advocate appearing for the appellant submits that there is a threat perception and as such it is an obligation on the part of the police authorities to ensure that no physical harm is caused to the appellant by the private respondents.

Mr. Chakraborty, learned advocate appearing for the private respondents submits that the allegations levelled against the said respondents are absolutely unfounded and there is no infirmity in the order impugned.

Mr. Das, learned advocate appearing for the State authorities submits that the dispute between the appellant and the private respondents is civil in nature and the allegation that the police authorities have not taken appropriate steps is unfounded inasmuch as acting on the basis of the complaint, the police authorities have already taken steps by registering a case being case no.469 of 2024 dated 8th October, 2024 under section 126 BNSS.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

By the order impugned, the learned single Judge has already directed the police authorities for keeping surveillance in respect of any breach of peace and/or tranquility and that they shall also ensure that no

untoward incident results because of the inimical relationship between the parties.

In our opinion, such direction sufficiently protects the appellant and as such no interference is called for in the present appeal.

With the above observation and direction, the appeal and the connected applications are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)