

D/L 13
13.02.2025
Bpg.
ct.no.35

W.P.A.16014 of 2024

**Akbar Ali Mistri & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Saumitra Banerjee.
...for the petitioners.

Mrs. Jhuma Chakraborty
Mrs. Kakali Naskar.
...for the State-respondents.

Petitioners submit that in spite of judgment and decree passed in Title Suit No.141 of 2014 by the civil court, the respondents are trying to dispossess the petitioners and interfering with the peaceful enjoyment of their right at the property. To that effect, petitioners informed the Officer-in-Charge, Minakhan Police Station. However, the concerned Police Station did not take any action. As such, the petitioners have approached before this Court.

Report has been submitted by the learned advocate appearing on behalf of the State. Report reflects that such information was furnished before the police station in the month of February, 2024 and subsequently also a specific case has been started being Minakhan P.S. Case No.65 of 2025 dated 08.02.2025 under the relevant provisions of the BNS. Notices have been issued to the accused persons.

However, the accused persons are not available at the residence as is reflected from the police report. The police authorities have also examined the complaint and other witnesses under Section 180 of BNSS.

In view of the police authorities having taken steps, I am of the view that the accused persons including the respondents herein are presently not available in the locality.

However, the police authorities would keep surveillance and ensure that no breach of the peace and/or tranquility takes place and/or any untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 16014 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioners.

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.)