

D/L 109
01.07.2025
ct.no.35
Kausik

W.P.A. 13166 of 2025

**Ananta Kumar Sahoo
Versus
The State of West Bengal & Ors.**

Mr. Mukteswar Maity
Ms. Manika Sarkar

...for the petitioner.

Mr. Madan Mohan Roy

...for the respondent nos. 5 to 9.

Mr. Swapan Banerjee, Ld. AGP
Mr. Soumen Chatterjee

...for the State.

Learned advocate appearing for the petitioner is aggrieved by the police authorities not having considered the representation on 10.05.2025. It has been complained by the petitioner that the private respondents have taken the law in their own hands and attempted to strangle the petitioner. He was severely assaulted. However, he saved himself luckily, as the neighbours rushed the private respondents/accused fled away.

Learned advocate for the private respondents submits that a civil suit is pending inter se the parties. To that effect, an order of status quo has been passed for not changing the nature, character and possession of the property. In spite of

such directions being passed the petitioner is adamant in carrying out construction work. Further, an application has been preferred for police help for implementation of such order.

Be that as it may, the police authorities have conducted an enquiry as is reflected from the report. Report reflects that on 09.05.2025 a hot altercation took place in between both the petitioner and the respondent no. 5 over the physical possession of the land. Both the parties used slang and abusive languages and considering that there was every possibility of the breach of the peace police authorities were forced to draw up proceedings under section 126 of the BNSS. From an assessment of the facts of the case and having regard to the fact that the civil court is already in seisin of the issue so far as the establishment of right in respect of the property is concerned, it would be the domain of the civil court to decide the right, title and interest.

However, having considered the narrations which have been made by the petitioner, I direct that in case the petitioner is not satisfied with the steps taken by the police authorities till date, petitioner would approach the jurisdictional Magistrate under the relevant provisions of law. The jurisdictional

Magistrate would assess and ascertain regarding the truthfulness of the accusations and thereafter pass necessary directions as he deems fit.

In the meantime, police authorities would continue their surveillance and ensure that no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations WPA 13166 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to both the parties.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)