

Sl.No. 48 20.03.2025
Court No. 35
G.S.Das

WPA 16150 of 2024

Niyamat Ali Mondal & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Chinmoy Pal
Ms. Aditi Bhattacharyya
... for the Petitioner(s)
Mr. Amal Kr. Sen, Id. AGP
Mr. Lal Mohan Basu
... for the State-respondent(s)

Mr. Md. Y. Mondal
... for the respondent no. 11

The petitioners are aggrieved by the fact that their trees have been chopped off forcefully by the private respondent(s) after entering and trespassing into their property.

According to the petitioners, the private respondents are adamant in their activities and, in spite of resistance being offered, the private respondents are bent upon to pursue their activities in order to grab the property.

It has been alleged that

substantial financial loss has been incurred by chopping off the trees and in spite of cognizable offence being made out, no action has been taken by the police authorities.

Learned advocate for the private respondents disputes and denies the contentions advanced by the petitioners and submits that the police authorities are being utilized for the purposes of settling the civil dispute and there is no necessity for the police authorities to interfere in this type/nature of complaint which has been submitted before them.

Learned advocate for the State submits that the police authorities have already registered the information by way of a G.D. Entry, taken steps under Section 107 Cr.P.C. and have been keeping a strict vigil.

Having considered the fact that trees of the petitioners have been

chopped off at the behest of the private respondents and financial loss has been incurred, the petitioners would be at liberty to approach the jurisdictional Magistrate under Section 175(3) of the BNSS. The learned Magistrate would assess as to whether any cognizable offence has been made out as also ascertain whether any case for investigation is made out, thereafter, pass necessary directions adhering to the provisions of law.

In the meantime, the police authorities would ensure that no breach of the peace and/or tranquility takes place as also no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 16150 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with

the record.

Parties to act on a server copy of this
order duly collected from the official website of the
Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)