

20.03.2025
Court No. 35
Item No.55
Rakib

W.P.A. 16551 of 2024

Nasima Khatun.
VS
The State of West Bengal & Ors.

Mr. Kaustav Chatterjee,
Mr. Dipankar Guha.
... for the Petitioner.
Mr. Vimal Kumar Shahi,
Mr. Soumen Chatterjee.
...for the State.

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

Petitioner is aggrieved by the fact that her property
is being trespassed by the private respondents who have
chopped off the trees in the land and are also threatening
her of dire consequences, in fact she was also assaulted
by the private respondents. To that effect she informed
the Durgachak Police Station but till date no action has
been taken by the police authorities except recording a
General Diary Entry.

Mr. Shahi, learned advocate appearing for the
State submits that police authorities have drawn up
proceedings under Section 107 of the Code of Criminal
Procedure and also have enquired and it has surfaced in
course of inquiry that the gamut of the dispute relates to
a boundary wall.

Be that as it may, since there is an allegation of
the petitioner being a lady and having been assaulted by
the private respondents and inspite of the information

furnished to the Officer-in-Charge as well as Superintendent of Police concerned no action has been taken.

Petitioner, if so advised will approach the Jurisdictional Court under Section 175(3) of the BNSS. Learned Court would assess whether a cognizance offence has been made out, ascertained as to whether any case for investigation is made out and thereafter pass necessary directions by exercising its discretion.

In the meantime, the police authorities would keep a strict vigil and ensure that there is no breach of the peace and/or tranquility as also no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations WPA 16551 of 2024 is disposed of.

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

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)