

20.03.2025
Court No. 35
Item No.58
Rakib

W.P.A. 17004 of 2024

Sanat Mondal.
VS
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya.
...for the petitioner.
Mr. Tanmay Basu,
Mr. Ambika Sasmal.
... for respondent no.9.
Mr. Arkoday Mukherjee.
...for the State.

Petitioner is aggrieved by the fact that inspite of the petitioner being the owner of the land, the private respondent are pursuing their illegal construction on the land of the petitioner, when the petitioner resisted the same he was threatened with dire consequences even of being murdered. To that effect information was furnished before the police authorities, however, till date no steps have been taken.

Learned advocate appearing for the State submits that police authorities have drawn up proceedings under Section 107 of the Code of Criminal Procedure.

Learned advocate appearing for the private respondents submits that several litigations are pending inter se the parties.

Be that as it may, since petitioner complains that there has been threats at the behest of the private respondents including the factum of murdering him, I am of the view that if no proceedings has till date been

registered by way of FIR, petitioner would be at liberty to approach the Jurisdictional Magistrate under Section 175(3) of the BNSS. Learned Jurisdictional Magistrate would assess the accusations and ascertain whether a case for investigation is made out and accordingly pass necessary orders by exercising his discretion.

So far as the ground reality is concerned, if the police authorities find the petitioner and the private respondents are at loggerheads and there is possibility of crisis of public law and order, police authorities would ensure no untoward incident results because of the inimical relationship between the parties.

With the aforesaid observations WPA 17004 of 2024 is disposed of.

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

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)