

D/L 33
30.07.2025
ct.no.35
Kausik

W.P.A. 16228 of 2025

**Biswanath Halder & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Lakshminath Bhattacharya
Mr. Sudarshan Ghosh

...for the Petitioner.

Mr. Soumen Gayen
Mr. Sandipan Maity

...for the respondent no. 9.

Mr. Biswabrata Basu Mallick, Ld. AGP
Mr. Sayan Ganguly

...for the State.

Petitioner is aggrieved by the fact that petitioner has been subjected to physical assault in respect of a long standing dispute with the private respondents.

Learned advocate for the State has submitted a report which reflects that pursuant to the information dated 02.07.2025 police authorities have drawn up proceedings under section 126(2)/135(3) of the BNSS for maintaining peace and tranquility.

Learned advocate for the respondent no. 9 is present. Records reflect that earlier a Co-ordinate Bench in WPA 21734 of 2024 has already observed

relating to the shop room which is the subject matter of dispute, is of question of fact which cannot be decided by a writ court. So far as the issue relating to physical assault is concerned, if any cognizable offence is made out, I direct the petitioner to approach the jurisdictional Magistrate under the relevant provisions of law. The concerned court would assess and ascertain regarding the genuinity of the accusation and pass necessary directions as he deems fit and proper.

Police authorities henceforth would continue their surveillance and ensure that no untoward incident results because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations WPA 16228 of 2025 is disposed of.

Report so submitted 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.)