

Sl.No.
11 11.08.2025

Court
No. 35

G.S.Das

WPA 16915 of 2025

Utpal Panja
-Vs-
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Ms. Susmita Das
... for the Petitioner(s)

Mr. Amitabrata Roy, Id. GP
Mr. Debapriya Chatterjee
Mr. Sibasish Banerjee
... for the State – Respondent(s)

The petitioner is aggrieved by the inaction of the police authorities as his representation which was advanced to the Superintendent of Police (Rural) and the Officer-in-charge of Jagatballavpur Police Station did not yield any result.

The main contention of the petitioner is that he was in possession in respect of a property. *Subsequently*, he was assaulted and a padlock affixed at his shop room thereby restraining him from any access to his business.

The petitioner further complains of his goods - worth huge money, being locked up in the shop. The petitioner, however, is unable to enter the said shop room.

I have considered the representation and I find from the documents that last of the rent receipt is of the year 2022.

Be that as it may, there is an allegation of physical assault, theft and illegally padlock being affixed at the shop room. The police authorities are well aware regarding the nature of the dispute.

Having considered that there is a flavor of landlord and tenant dispute, the police authorities have restricted themselves by exercising limited power and, to that effect, they have drawn up a proceeding under Section 126 of the BNSS.

Since information to the Officer-in-charge of the concerned police station and

the Superintendent of Police of the concerned district did not yield any result, the remedy available to the petitioner would be by approaching the jurisdictional Magistrate under Section 175(3) of the BNSS.

In case, such an application is preferred before the jurisdictional Magistrate, the learned Magistrate would assess and ascertain regarding the genuinity of the allegations and, thereafter, pass necessary directions as he/she deems fit and proper.

So far as the other issue relating to padlock being affixed and/or whether the petitioner was a tenant is concerned, the same is the subject-matter of a civil dispute which will be considered by the learned jurisdictional Civil Court.

With the aforesaid observations, WPA 16915 of 2025 is disposed of.

Pending application(s), if any, is

also disposed of.

Report so submitted be kept with the record. A copy of the report be handed over to the petitioner.

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.)