

Sl.No.
13 27.08.2025

Court
No. 35

G.S.Das

WPA 19415 of 2025

Sushil Kumar Biswas
-Vs-
The State of West Bengal & Ors.

Mr. Saptarshee Kr. Kundu
Mr. Raju Das
... for the Petitioner(s)

Mr. Debapriya Chatterjee
Mr. Chandan Chakrabaorty
... for the State-respondent (s)

The petitioner complains that the police authorities at the dead of night had been to his house for execution of a distress warrant.

It has also been alleged that the petitioner being a 70-year-old man suffered from various ailments and have been subjected to great inconveniences because of his son against whom the execution case is pending before the learned Judicial Magistrate, 3rd Court, Diamond Harbour, South 24 Parganas.

The report submitted by the State

reflects that in connection MEX. No. 85 of 2023 such distress warrant was tried to be executed by the police authorities.

The report also reveals that on 21.04.2025, a non-bailable warrant was issued against the Officer-in-charge of Magrahat Police Station by the learned Magistrate.

Be that as it may, the police authorities were acting pursuant to an order passed by a court of law. However, whether the police authorities while exercising their power have exceeded their authority is a subjective issue to be decided in the factual circumstances of the case.

Since, MEX No. 85 of 2023 is pending before the learned JM, 3rd Court, Diamond Harbour, I direct the petitioner to present his inconveniences so faced by him. The learned Magistrate would consider and, if required, pass necessary

orders for tracing out the absconding person - the husband of the applicant, in MEX No. 85 of 2023 as also on the issue whether the police authorities exceeded their authority or not.

With the aforesaid observations, WPA 19415 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.)

