

09.09.2025
ct 35/SI. No.54
tkm

W.P.A. 20588 of 2025

Motaleb Mondal
vs.
State of West Bengal & Ors

Mr. Sudarshan Ghosh
... .. for the petitioner

Ms. Jayeeta Sinha
Mr. Sandip Mondal
... .. for the State

Mr. Chanra Nath Sarker
Mr. Sounak Mondal
... .. for respondent nos. 4 & 6

1. Petitioner is aggrieved by the inaction of the police authorities.
2. Report submitted by the State reflects that on the basis of information which was submitted by the petitioner proceedings have been drawn up under section 126(2)/135(3) of BNS against the private respondents.
3. Petitioner intends to execute the order passed in MP Case no. 3404 of 2025. I find that the executive magistrate has directed for a restraint order in respect of construction. So far as proceedings under section 163 of BNSS 2023 is concerned, the same is for ensuring that there should not be any breach of peace and tranquility of the public order.
4. No direction can be passed in respect of any construction under the provisions of section 163 BNSS.

5. Learned advocate for the private respondent is also present.
6. Having considered the nature of the prayer advanced, petitioner be well advised to approach the civil court for necessary remedies.
7. With the aforesaid observation WPA 20588 of 2025 is disposed of.
8. Report submitted be kept with the record.
9. Copy of the report be handed over to both the parties.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
11. Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)