

Sl.No.
71 13.01.2025
Court
No. 35
G.S.Das

WPA 29457 of 2024

Gour Hari Majhi
-Vs-
The State of West Bengal & Ors.

Mr. Ziaul Haque
Mr. Srikanta Purkait
... for the petitioner(s)

Mr. Suman Ghosh
Mr. Sankha Prasad Roy
... for the State-respondent(s)
Mr. Supriyo Shasmal
... for the private respondent nos.4-9

Affidavit-of-service so filed be kept
with the record.

Learned advocates for the
petitioner, private respondents and State
are present.

Mr. Ghosh, learned Senior
Government Advocate, appearing on behalf
of the State, submits a report which
reflects that on receipt of the information
furnished by the present petitioner, an
enquiry was conducted and it was found

that the private respondent nos. 5 to 8 abused the petitioner in derogatory languages over the issue relating to the land dispute. As such, the police authorities initiated a proceeding under Section 126 of the BNSS for maintaining peace and tranquility in the area.

However, the petitioner is aggrieved in respect of the fact that the police authorities have only taken cognizance of the issue relating to abuse and not the assault. The petitioner complains that he has been assaulted.

In case, the petitioner is aggrieved by such act and actions of the police authorities, which have already taken care of, the petitioner, in such circumstances, would be at liberty to approach the learned jurisdictional Magistrate under Section 175(3) of the BNSS. The learned Magistrate would apply his/her discretion in

the background of the facts and circumstances of the case and the strained relationship existing between the parties.

So far as the issue relating to possession, ownership, title and interest of the property is concerned, it would be for the appropriate authorities to deal with the same. This Court will not enter into such arena.

It is further directed that the police authorities would continue to keep a strict vigil in the area as also ensure that no breach of peace and tranquility takes place because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 29457 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record. Let a copy of the report be handed over to the learned advocate for the petitioner and the private respondents.

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.)