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Court

No. 35

G.S.Das

Tapan Maji

-Vs-

The State of West Bengal & Ors.

Mr. Lal Mohan Basu

... for the Petitioner(s)

Mr. Wasim Ahmed

Mr. Md. Shahabuddin

... for the State-respondent(s)

The petitioner complains that while he was cultivating his own land, he was being disturbed by the private respondents, who suddenly trespassed in his land.

To that effect, a complaint was made to the police authorities. However, the police authorities neither responded properly nor did they take any step for rendering assistance to the petitioner.

State has submitted report, which reflects that the property complained of is an un-demarcated property. The police authorities have already taken steps for

maintaining peace and tranquility, as such, has drawn up a proceeding under Section 126 of the BNSS.

Having regard to the nature of the dispute relating to land, it would be for the petitioner to establish his right before a Civil Court.

So far as the accusations against the private respondents are concerned that the private respondents had pushed the petitioner for which he fell down on the ground when they started hitting him and the fact that the police authorities have not found any cognizable offence, I am of the opinion that the petitioner would be at liberty to approach the jurisdictional criminal court for initiating a proceeding by way of invoking the power of the Magistrate under Section 175(3) and/or Section 223 of the BNSS. The learned Magistrate will pass appropriate order(s) by

exercising his/her discretion inconsonance with the relevant provisions of law.

It is further directed that the police authorities would continue to keep a strict vigil for the purposes of maintaining peace and tranquility in the area.

With the aforesaid observations, WPA 30402 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.

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.)