

14.01.2025
Item No.78
Ct. No.35
dc.

W.P.A. 62 of 2025

**Mantulal Mondal
versus
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Abhirup Halder ... For the Petitioner.

Mr. K. J. Yusuf, AGP,
Mr. Parikshit Goswami ... For the State.

Mr. Sabyasachi Mondal,
Mr. Uday Chandra Gayen,
Ms. Puja Naskar,
Mr. Soumen Pradhan,
Ms. Payel Khanra
... For the Respondent Nos.4 to 8 and 10 to 14.

Affidavit-of-service filed in Court today be
kept with the record.

Report submitted by the learned advocate
appearing for the State be also kept with the record.

The petitioner is aggrieved by the fact that he
informed the Inspector-in-Charge of Kultali Police
Station on 07.12.2024 and in spite of informing the
police station as no steps were taken, the private
respondents forcefully took away the paddy from
his land and on protest, the private respondents
abused him and threatened him of dire
consequences. The petitioner has also initiated a
proceeding under Section 163(2) of the BNSS.

Learned advocate appearing for the private
respondent nos. 4 to 8 and 10 to 14 submits that
the private respondents had been cultivating their
own land and had no interest in respect of the

usufructs of the property of the petitioner. According to the learned advocate, the petitioner has initiated false complaint which has no foundation in law.

State has submitted a report which reflects that number of Kultali PS NCR case and G.D. entries have been registered.

However, Mr. Bhattacharya, learned advocate appearing for the petitioner submits that although a cognizable offence has been made out, the police authorities have failed to register any case.

In view of the police authorities failing to register any case, the petitioner would be at liberty to approach the jurisdictional court by way of invoking the provisions of Section 175(3) of the BNSS. In the meantime, the police authorities would keep a strict vigil and ensure that there is no breach of the peace and/or tranquility in respect of the subject property referred to in the writ petition. It would also be the duty of the police authorities to prevent any untoward incident arising because of the strained/inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 62 of 2025 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)