

D/L 14
17.01.2025
Kausik
ct.no.35

W.P.A. 30921 of 2024

**Nitish Sapui & Ors.
Versus
State of West Bengal & Ors.**

Mr. Tanusri Santra

...for the petitioners.

Mr. Suman Ghosh, Sr. Govt. Adv.
Ms. Munmun Tewary

...for the state.

Learned advocate appearing for the petitioner is aggrieved as the private respondents have forcefully entered the property where the petitioners had been carrying out their pisciculture and/or fishery business.

Information was sent to the police authorities on 18.08.2024 in respect of some of the private respondents threatening the employees of the petitioners and they being driven out forcefully.

Resultantly the petitioners are unable to carry out their business. Such information on being received, police authorities enquired about the same which is reflected from the report submitted by the state through Mr. Ghosh, learned Senior Government Advocate. Report reflects that police authorities have interacted with the land owner as also taken into

account the agreements. According to the police authorities there is a dispute in respect of the possession of the property where pisciculture is being carried out.

On an appreciation of the facts which have been addressed to this court both by the petitioner and the state, I am of the view the nature of the accusations so far as threatening of dire consequences and the employees of the petitioner being thrown away from the property referred to in the writ petition, if any cognizable offence has been made out and the police authorities were reluctant to act upon the representation of the petitioners, petitioners would be at liberty to approach the jurisdictional court under section 175(3)/section 223 of the BNSS. The jurisdictional Magistrate will decide whether a case for investigation has been made out or not.

In the meantime if there is any possibility of the breach of the peace, police authorities would keep a strict vigil so that no untoward incident may result because of the inimical relationship existing between the petitioners and the private respondents.

With the aforesaid observations WPA 30921 of 2024 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate for the petitioner.

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

(Tirthankar Ghosh, J.)