

Sl.No.

36 17.01.2025

*Court
No. 35*

G.S.Das

WPA 267 of 2025

Md. Shahid

-Vs-

The State of West Bengal & Ors.

Mr. S. Shah

Mr. Sk. Abumusa

Mr. U. M. Khan

... for the petitioner(s)

Mr. Amal Kr. Sen, Id. AGP

Mr. Lal Mohan Basu

... for the State-respondent(s)

Affidavit of service so filed be
kept with the record.

The petitioner claims that he entered into a development agreement with the private respondents. However, the private respondents cheated him and entered into an agreement with another individual. To that extent, the petitioner informed the police station, but, no action has been taken by the police authorities.

Additionally, it has been submitted

that the petitioner has approached the civil Court and *vide* T.S. 370 of 2024, the learned Civil Judge (Jr. Divn.), 2nd Court, Sealdah was pleased to pass an ad interim order of injunction. But, according to the petitioner, there has been violation of the said order as also the law has been taken in their own hand by the private respondents.

State has submitted a report which reflects that the petitioner approached Beniapukur police station in respect of non-fulfillment of terms and conditions of a development agreement for construction of a building after lapse of 11 years.

Having considered the time period, which has passed in the meantime, I am of the view that the police authorities, at this stage, cannot be blamed for belated action.

However, the petitioner would be at liberty to approach the jurisdictional court under the relevant provisions of law by way of invoking the provision under Section 175(3) of the BNSS and/or under Section 223 of the BNSS. The learned Court would take into account the contentions and assess whether any offence has been made out or not, thereafter, pass necessary order(s) by exercising its discretion.

With the aforesaid observations, WPA 267 of 2025 is disposed of.

Report so submitted be kept with the record.

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.)

