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rkd 18.03.2026  
Ct.05

W.P.A. 5947 of 2026

Kanti Roy Chowdhury

-vs-

State of West Bengal & Ors.

Mr. Sujit Banerjee,  
Mr. Nilay Sengupta,  
Mr. M. Gupta

....for the petitioner.

Mr. Tanmay Kuamr Ghosh,  
Mr. Biswajit Dutta

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. It is alleged in this writ petition that one public passage is exclusively used by the private respondents affecting right of the petitioner to use the said passage which prompted the petitioner to file writ petition being WPA 24774 of 2022. Said writ petition was disposed of by a coordinate Bench vide order dated 3<sup>rd</sup> October, 2023 thereby granting liberty to the petitioner to approach the Executive Magistrate under Section 133 of Code of Criminal Procedure which corresponds to Section 152 of BNSS.
3. Placing reliance on one memo dated 20<sup>th</sup> June, 2025 which is at page 44 of the writ petition, it is submitted that the concerned police authority is not taking any steps to submit report and direction is prayed for in this writ petition directing the police authorities to take steps as per the order

passed by the concerned Magistrate in the proceedings under Section 133 of CrPC.

4. Learned advocate representing the State respondents on pointing out the order passed by another Bench on a subsequent writ petition being WPA 20103 of 2025 preferred by the petitioner has submitted that vide said order dated 3<sup>rd</sup> September, 2025 Court issued appropriate directions thereby permitting the petitioner to take steps as required in connection with MP Case No. 199 of 2025 and Criminal Case being Labpur PS Case No.131/24. Copy of the order dated 3<sup>rd</sup> September, 2025 is placed before this Court and same is taken on record.
5. On perusal of the order dated 3<sup>rd</sup> September, 2025 passed by the coordinate Bench on the writ petition being WPA 20103 of 2025 it appears that the Court made it clear if petitioner finds any inconvenience in that event petitioner would bring the same to the notice of the learned Judicial Magistrate or the learned Executive Magistrate in seisin of the issue for giving specific directions upon the police authorities and it was further observed that necessary steps are required to be taken in accordance with law.
6. In view of the order passed by the coordinate Bench on 3<sup>rd</sup> September, 2025 on the writ petition being WPA 20103 of 2025 Court finds no further

order need be passed on this writ petition considering the liberty granted to the petitioner while disposing of the said writ petition.

7. The writ petition stands disposed of.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**