

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 13894 OF 2025

**SWAPAN BASAK AND ANOTHER
VS.
THE STATE OF WEST BENGAL AND OTHERS**

Mr. Pradyat Saha, Adv.
Ms. Shreyosi Chakraborty, Adv.
...for the Petitioners

Mr. Rajarshi Basu, Adv.
Mr. Anirban Datta, Adv.
...for the State

Mr. Debdipto Banerjee, Adv.
...for the Private Respondents

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioners, State respondents and private respondents.
3. Learned advocate representing the petitioners has submitted that private respondents are threatening the petitioners over a property in respect of which title suit being T.S. No.104 of 2025 is pending where petitioner no.2 is one of the plaintiffs. It is also submitted that *vide* order dated 14th May, 2025 passed in T.S. No.104 of 2025, defendants in that suit were restrained from entering into the suit property in question, disturbing plaintiff's peaceful possession and changing nature and character of the suit property till 16th June, 2025.

4. It is further submitted on behalf of the petitioners that violating the order dated 14th May, 2025 private respondents are disturbing the petitioners' peaceful possession of the property in question thereby prompting the petitioners to approach this Court with the present writ petition. Prayer is made for directing the concerned police authorities to provide necessary help and protection.
5. Learned advocate representing the State respondents has filed a report dated 29th June, 2025 prepared by the Inspector-in-Charge, Nadanghat Police Station, Purba Bardhaman along with supporting documents and same are taken on record.
6. It is pointed out by Mr. Rajarshi Basu, learned advocate representing the State respondents that incorporation of other charges as prayed for in prayer (a) of this writ petition is not maintainable in view of Section 239 of BNSS, 2023.
7. On posing query to learned advocate representing the petitioners, it is submitted that prayer (a) of this writ petition is not pressed in view of Section 239 of BNSS, 2023 but petitioners' other prayers for providing police protection may be considered in the facts of the present case.

8. It is disclosed in the report dated 29th June, 2025 filed on behalf of the concerned police authority that there are allegations and counter-allegations made by the petitioners and one Kalyan Sundar Basak being respondent no.5 herein. Two separate criminal proceedings were initiated by the concerned police authorities—one being Nadanghat P.S. Case No.117 of 2025 dated 25th February, 2025 based on complaint lodged by petitioner no.1 and another being Nadanghat P.S. Case No.299 of 2025 dated 22nd May, 2025 based on complaint of respondent no.5.
9. In connection with Nandanghat P.S. Case No.117 of 2025, it is stated in the aforesaid report filed today on behalf of the concerned police authority that investigation was complete; charge-sheet was filed before the Court and trial is pending. It is also disclosed in the report that police is keeping vigil over the issue and time to time visiting the area in question.
10. Taking note of the contents of the report dated 29th June, 2025 and pendency of trial in connection with Nadanghat P.S. Case No.117 of 2025, concerned police authorities of Nadanghat Police Station are directed to maintain peace and tranquility at the

place of residence of the petitioners and to prevent further untoward incident.

11. With the aforesaid directions, writ petition stands disposed of.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)