

WPA 27102 of 2025

Arunesh Das
Vs.
The State of W. B. & Ors.

Mr. Moyukh Mukherjee	
Ms. Sarmistha Basak	...for the petitioner.
Mr. Sambuddha Dutta	
Mr. Ritesh Kr. Ganguly	...for the State.
Mr. Ayan Banerjee	
Mr. Somnath Bera	
Ms. Nupur Chaudhuri	...for the private respondents

Affidavit of service filed by the petitioner is taken on record.

Learned counsel for the petitioner submits that the petitioner is the owner of one of the flats in the building in question which has a mobile tower in the attic. The petitioner alleges that the private respondents who are owners of another flat in the building are restraining the engineers and other technical persons from carrying out maintenance and repairing work of the tower.

Learned counsel for the private respondents submits that installation of the tower has resulted in cracks and damage to the building.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the petitioner alleges that the complaint lodged by him before

the police authority has not been acted upon, he is at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS for redressal of his grievance.

In the meantime, the police authority shall maintain vigil in the area and shall ensure maintenance of peace and tranquility.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)