

13-12-2021
ct no. 13
Sl.19
sp

WPA 1976 of 2021

Firoza Begum

-Versus-

The State of West Bengal & Ors.
(Via Video Conference)

Mr. Arif Ali,
Mr. Swapan Chakraborty,
Mr. S. Bhattacharjee

...for the petitioner

Md. Sayeed Khan

...for the respondent nos. 5 to 14

Despite service of notice, State is not represented.

The petitioner is aggrieved by the fact that despite a complaint lodged with the Ekbalpore Police Station on August 24, 2020 and followed by a complaint to the Deputy Commissioner of Police, Head Quarter, Lalbazar on November 23, 2020, no steps have been taken.

Counsel for the private respondents submits that they are co-sharers along with the petitioner of the said property. It is further submitted that T.S. No. 715 of 2020 being a partition suit is pending before the learned Civil Judge (Senior Division), 5th Court at Alipore, filed by the writ petitioner against the private respondents.

The petitioner shall, therefore, be entitled to apply before the learned Civil Judge to seek appropriate remedies including the restoration of possession (if proved) during the pendency of the suit.

The Officer-in-Charge, Ekbalpore Police Station is, however, directed to ensure that there is no breach of peace in that area and a regular vigil shall be maintained there at.

FIR shall be registered in respect of the said complaint and investigation shall be completed as expeditiously as possible, preferably within a period of one month from the date of communication of a copy of this order.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)