

26/07/2021
Item No.54.
Court No.8.
AB

Through Video Conference

W. P. A. 3698 of 2021

Ashim Chowdhury

Vs

The State of West Bengal & Others

Mr. Srijit Chakraborty,
Ms. Sudeshna Basu Thakur...for the Petitioner.

Mr. Amitesh Banerjee,
Mr. Tarak Karan ...for the State.

Mr. Sayak Chakraborty,
Mr. Anish Kr. Mukherjee ...for the Private Respd.

The petitioner complains of police inaction.

Learned advocate appearing for the petitioner submits that, the petitioner is the joint owner of an immovable property. When the petitioner was away, the private respondents broke into the room belonging to the petitioner and stole various articles. The police are inactive on the complaint of the petitioner.

Learned senior standing counsel appearing for the State, on instructions, submits that, the police enquired into the complaint of the petitioner. On enquiry, the police found that the petitioner was a resident of Jharkhand for the last 30 years. He occasionally visited his parents when they were alive. Police called upon the petitioner to identify the room from which the articles were stolen. The police also

wanted to know from the petitioner about the nature of the articles stolen. The petitioner was unable to assist the police on either of the two scores.

The private respondents are represented.

The first prayer in the writ petition is a direction upon the police so that the petitioner can enter into premises no. 337/B, Diamond Harbour Road, Kolkata – 700 034. The second prayer is for breach of peace and the third prayer relates to the immovable property concerned.

Apparently, the petitioner is inviting the writ court to effect a partition amongst the brothers in respect of an immovable property and to secure his place in the immovable property concerned. There is no whisper in the prayer with regard to the so-called police inaction.

It appears that the disputes between the private parties are civil in nature. The police enquired into the complaint and did not find any substance therein.

Interference by the writ court is not called for in the facts of the present case.

W.P.A. No.3698 of 2021 is disposed of, accordingly.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Debangsu Basak, J.)