

31.08.2021
Ct. No.8
S/L No.7
KS

(Via Video Conference)
W.P.A. 12704 of 2021
Md. Janab Ali
-Vs.-
The State of West Bengal & Ors.

Mr. Partha Sarati Bhattacharya
Mr. Saikat Chatterjee
.....For the Petitioner
Mr. Amitesh Banerjee
Mr. Tarak Karan
.....For the State
Md. Salahuddin
Md. Ahsanuz Zaman
.....For the Respondent Nos.7,10 & 11

The chronological events leading to this writ application is that on 26.08.2011 by virtue of a Registered Deed of Gift duly registered in Dag No.1900, measuring at about 3 Satak of land was gifted in favour of the petitioner by his elder brother namely Abad Ali, son of Late Abdul Moyed and since then the petitioner has been enjoying the right, title and interest in respect of the said property. On 04.07.2021 the respondent nos.7 to 11 suddenly restrained the petitioner from opening his shop and started assaulting him and also snatched away several important documents from the shop of the petitioner and a sum of Rs.90,000/- . So, the petitioner was compelled to file a complaint before the respondent authorities for necessary steps and

protection available to the petitioner as the petitioner was restrained from opening his shop by the respondent nos.7 to 11.

I have heard Mr. Saikat Chatterjee, advocate for the petitioner being led by Mr. Partha Sarati Bhattacharya who submits that despite the complaint lodged with the authorities concerned no step has been taken as yet.

The petitioner has sought for writ in the nature of mandamus for direction upon the respondent authorities particularly, the police authorities to take proper steps in respect of the complaint of the petitioner being, Annexure – P/3 of the writ petition and to lodge a First Information Report and to provide police assistance to the petitioner in terms of the Regulation 666 and 669 of the Police Regulation of Bengal, 1943.

Mr. Amitesh Banerjee, learned counsel for the State-respondents appears and submits that on the complaint of the petitioner a case under Section 107 of the Criminal Procedure Code was started and Nalhati P.S. Case No.1486 of 2021 dated 22.08.2021 under Section 323/506 IPC was started on the basis of a complaint of the petitioner which is pending before the A.C.J.M., Rampurhat. The dispute relates to the property between the brother and practically police is not required to interfere into such dispute of civil nature.

Md. Ahsanuz Zaman, learned counsel for the respondent Nos.7,10 & 11 submits that the allegations leveled in the writ application are absolutely false and concocted.

I have thoroughly considered the application and having regard to the submission made by Mr. Banerjee, learned counsel for the State-respondents, this Court is convinced that appropriate action has already been taken by the respondent-state on the basis of the complaint of the petitioner. So, I do not find any cause for any further direction upon the police authorities on account of police inaction. The writ petition is now rendered infructuous.

Accordingly, the writ application being, W.P.A. 12704 of 2021 is dismissed.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Shivakant Prasad, J.)