

26th February,
2021
(AK)
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W.P.A. 9583 of 2020

Basarat Molla
Vs.
The State of West Bengal & Ors.

Mr. Keshab Chandra Das*
...For the Petitioner.

Mr. Sanjib Das
...For the Respondent nos. 7 to 12.

Sk. Md. Galib
...For the State.

The petitioner alleges that the police authorities are not taking any action on the complaint of the petitioner dated September 1, 2020, regarding certain criminal activities allegedly perpetrated on the petitioner by the private respondents.

Learned counsel appearing for the private respondent hands over a copy of an order passed on February 19, 2021 in a different writ petition bearing *W.P.A. 9576 of 2020* which was filed by the brother of the petitioner and submits that the petitioner has preferred the instant writ petition on the self-same cause of action.

However, it appears from the said order that the matter pertained to the petitioner therein seeking to enter into possession of the land-in-question on the right of *Bargadarship* and was relegated to the Civil Court for adjudication of the dispute.

The present case, however, is distinct and different from such complaint inasmuch as the present writ petitioner contends that criminal acts were perpetrated on the petitioner, which were not redressed by the police.

Learned counsel appearing for the State respondent files a Report authored by the Officer-in-Charge, Dadpur Police Station, which clearly indicates that on the same date on which the petitioner filed the complaint that is September 1, 2020, the petitioner's brother had also filed a similar complaint regarding the same chain of events.

On such complaint of the petitioner's brother, Dadpur P.S. Case No.90 of 2020 dated August 26, 2020 has been initiated under the relevant provisions of the Indian Penal Code and due investigation is going on pursuant to such police case.

Hence, it is argued that the present complaint need not give rise to a separate proceeding as the same relates to the self-same cause of action as the complaint of the petitioner's brother.

It appears from the Report that the scope of the complaint of the petitioner was similar to that of his brother and due action is already being taken by the police on the said previous complaint. Hence, there is no scope for passing any further direction on the police authorities.

Accordingly, W.P.A. 9583 of 2020 is disposed of on the above observations.

The Police Report and copy of order filed in court today be kept on record.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)