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(Through Video Conference)

WPA 10858 of 2020

Dinesh Agarwal

Vs.

The State of West Bengal & Ors.

Mr. Dinesh Agarwal,

... ... Petitioner (in person)

Mr. Amitesh Banerjee, senior standing counsel

Mr. Tarak Karan

... ... for the State

Mr. Subhadip Bhattacharjee, advocate

.. ...for the respondent nos. 8 & 9

Petitioner appears in person.

Petitioner complains that the police personal dispossessed the petitioner and handed over such possession to the private respondents.

State and private respondents are represented.

The writ petition is being heard on completion of affidavits.

The State authorities deny the allegations made by the petitioner. According to the State, the police intervened on receipt of a complaint that some persons were locked by the petitioner in a room in an immovable property. According to the police, what they did was to rescue those persons locked in the property. So far as the complaint lodged with the police is concerned, the affidavit of the State states that the investigation with regard thereto is in progress.

Learned senior advocate appearing for the State submits that the investigation will be concluded expeditiously and appropriate report will be submitted before the jurisdictional court.

There are three prayers in the writ petition. The first prayer relates to the suspension and initiation of the departmental proceeding against the police personnel involved. So far as this prayer is concerned, the affidavit placed on record does not conclusively establish the involvement of the police personnel concerned of the nature and extent so as to invite the Court to pass an order directing the State to suspend any police officer or to initiate departmental proceedings.

There is a statement on oath that the police personnel intervened so as to rescue certain persons whom the petitioner put under lock and key. The incident is being denied by the petitioner. He makes out a different version. On affidavit evidence, it is difficult to come to a conclusive finding that the police personnel involved were guilty of latches and breaches as complained of by the petitioner.

The next prayer relates to handing over and restoration of possession of the mortgaged property. Such a prayer by itself shows that there are disputes of civil nature between private parties. It is not for the writ court to decide the allegation of possession of an immovable property. The private parties are at liberty to avail of their remedies before the appropriate forum in accordance with law.

The third prayer relates to Bidhannagar (South) Police Station case no. 107 dated 25.08.2020 under Sections 341/ 323/ 406/ 506 of the Indian Penal Code, 1860. So far as the aforementioned police case is concerned, the police are directed to conclude the investigation and to

submit their report before the jurisdictional Court within a period of four weeks from date.

WPA 10858 of 2020 is disposed of accordingly.

(Debangsu Basak, J.)