

22.01.2021.

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**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

WPA 118 of 2021

**Tarapada Kirtaniya
-versus
State of West Bengal & Ors.**

**Mr. Debajit Kundu
...For the Petitioner.**

**Mr. Subir Kumar Saha
Mr. Momenur Rahaman
...For the State.**

The Report filed in court today be kept on record.

This writ petition has been filed by a senior citizen against the alleged inaction of the Sub-Divisional Officer, Mathabhanga, Cooch Behar pursuant to a letter written by the petitioner on 15th September, 2020.

Learned counsel for the petitioner submits that the petitioner had complained against the respondent no.5 who is the daughter-in-law of the petitioner, for certain alleged actions concerning land which belongs to the petitioner. Counsel prays that the S.D.O. be directed to respondent to the letter of 15th September, 2020.

Learned counsel appearing for the State hands up a report filed by the Superintendent of Police, Cooch

Behar in respect of the criminal case filed against the respondent no.5 involving the same issues which have been raised in the writ petition. Counsel submits that the criminal proceedings presently pending before the A.C.J.M., Mathabhanga and further submits that a complaint made by the respondent no.5 against certain other persons contained allegations which are contrary to the case made out in the writ petition.

On perusing the complaint put up in court today, it appears that the criminal case pending before the A.C.J.M., Mathabhanga relates to Section 306 of Indian Penal Code; abetment of suicide.

The criminal case does not pertain to the concerns raised by the petitioners in the writ present writ petition. Even though it appears prima facie that the dispute is in the nature of a private civil dispute between the parties, the concerned S.D.O. should have responded to the complaint made by the petitioner and explained the position in the response.

Since the S.D.O. has not done so, the Sub-Divisional Officer, Mathabhanga, being the respondent no.3 is directed to consider the communication dated 15th September, 2020 being Annexure P-3 herein and respond to the same after considering the case of the petitioner and giving all concerned parties a hearing within a period of four weeks from the date of the communication of this order. A copy of the order passed

upon such consideration, which is to be passed within four weeks is to be given to the petitioner within two weeks from the date on which the reasoned order is passed.

WPA 118 of 2021 is disposed of in terms of the above.

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

(Moushumi Bhattacharya, J.)