

26.08.2022
Court No. 19
Item No. 3 (DL)
CP

WPA 3538 of 2022

Basudeb Sarder
Vs.
The State of West Bengal & ors.

Mr. Timir Baran Saha
...for the petitioner.

Mr. Susanta Pal
Mr. Ananda Dulal Sarkar
....for the State.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty
....for the private respondents.

The petitioner alleges police inaction. It is the contention of the petitioner that the complaint dated November 8, 2021 was not considered by the Inspector-in-Charge, Kultali Police Station. The petitioner submits that the court must direct the police authorities to act and proceed in accordance with law and investigate into the matter by registering an FIR.

Mr. Roy, learned advocate appearing on behalf of the respondent nos. 6 to 17, submits that a Title Suit is pending between the parties with regard to the right, title, interest and possession over the disputed land. He further refers to a complaint filed

earlier by the petitioner, inter alia, stating that the said respondents had ousted the petitioner from his possession.

The police report is taken on record. The police report indicates that on the basis of the complaint dated November 8, 2021, Kultali Police Station Case No. 555 dated November 8, 2021, under Sections 188/379/506 of the Indian Penal Code was started. The police investigation was held and the investigation resulted in the filing of a Final Report of Mistake of Fact vide Kultali Police Station FRMF No. 535/2021, dated November 29, 2021. The result of the investigation was informed to the petitioner by two notices.

Heard the parties. The police authorities have acted on the basis of the complaints and completed their investigation. If the petitioner is aggrieved by the filing of the final report, the remedy of the petitioner is before the appropriate forum.

The issues with regard to right, title, interest and possession etc. shall be decided by the civil court.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)