

10.06.2022
Sl. No.60
srm

W.P.A. No. 4909 of 2022

Sri Baijnath Singh

Versus

The State of West Bengal & Ors.

Mr. Debasis Sur,
Mr. A. Patra

...for the Petitioner.

Mr. Santanu Mitra,
Mr. Kapil Guha

...for the State-respondents.

Mr. Soumava Mukherjee

...for the Respondent Nos.5 & 6.

Affidavit of service is taken on record.

The writ petition has been filed for a direction upon the Officer-in-Charge, Jamuria Police Station to initiate proceedings by registering an FIR against the respondent Nos.5 and 6. The petitioner is the father of the respondent No. 5 and the father-in-law of the respondent No.6.

According to the petitioner, the respondent No.5 has tried to grab all the properties including the petrol pump. Litigations are also pending.

Mr. Mukherjee, learned Advocate appearing on behalf of the respondent Nos.5 and 6, submits that the land on which the petrol pump exists was leased by the petitioner in favour of the respondent No. 5. Thereafter, the respondent No.5 applied for dealership from the Hindustan Petroleum Corporation Limited.

The petrol pump is being run by the respondent No.5. At some point of time the petitioner was allowed to supervise and manage the said pump by a power of attorney, but the dealership is in the name of the respondent No. 5.

In my opinion, if the petitioner has any grievance with regard to the issuance of the dealership by the Hindustan Petroleum Corporation Limited in favour of the respondent No.5 and with the running of the said business, the remedy of the petitioner would be to approach the concerned authority. The writ Court cannot decide such claim of the petitioner.

The petitioner has also been protected by an order of ad-interim injunction passed in a civil suit which relates to the business of the petrol pump. The allegation of violation of the ad-interim order is also to be decided in the civil suit.

The prayer of the petitioner for protection of his rights over other properties and enjoyment thereof would be available in a civil suit. The police report indicates that the parties have attempted amicable settlement. If such peaceful enjoyment and settlement has failed, the petitioner is at liberty to approach the civil court.

The police authorities are, however, duty bound to ensure that the parties maintain peace and tranquillity and further ensure that no untoward incident takes place.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)