

13.06.2022
Court No. 19
Item no.14
CP

WPA No. 9568 of 2022

Chiranjit Mondal
Vs.
The State of West Bengal & ors.

Mr. Sridhar Chandra Bagari
....for the petitioner.

Mr. Wasim Ahmed
....for the State.

Mr. Satyajit Mahata
Mr. Rajib Sinha
...for the respondent nos. 4 to 7.

The writ petition has been filed for a direction upon the police authorities to enquire into the complaints lodged by the petitioner. Further prayer has been made for a direction to hold a medical check up of the father of the petitioner as to his mental and physical fitness. The petitioner also prays that the police authorities be directed to arrange for installation of a CCTV camera in the residential house.

Mr. Mahata, learned advocate appearing on behalf of the respondent nos. 4 to 7, submits that the dispute arose as the father of the petitioner had gifted the some of the properties to the respondent no. 4. The petitioner being the elder son who lives at Durgapur, is aggrieved by such transfer by way of gift

and hence has raised a property dispute with the mother and his sister and brother-in-law. It is submitted that whenever the petitioner goes to his paternal house, there are altercations over the property.

The police authorities have filed a report from which it appears that the respondent no. 6 along with one Santosh Mondal have created disturbance and there was every apprehension of breach of peace at the particular point of time. Accordingly, the prosecution under Section 107/116(3) Cr. P.C. was filed and the parties were directed to maintain peace and tranquility. The report is taken on record.

Pursuant to a second complaint filed by the petitioner, ASI Prsanta Ghosh was deputed to make an enquiry. The enquiry revealed that there has been continuous disagreements between the parties. Commission of cognizable offence could not be detected upon enquiry by the police.

Under such circumstances, the writ petition is disposed of, with a direction upon the police authorities to ensure that law and order is maintained and either of the parties do not commit any breach of peace. Vigil should be kept to ensure that petitioner's father is not pressurized or harassed by the respondent nos. 4 to 7.

This order shall not have any impact on any proceeding in the civil court if initiated by the parties.

The writ petition is disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)