

08.07.2022
Sl. No.89(ML)
srm

W.P.A. No. 11184 of 2022
Sri Tamash Ranjan Mandal
Versus
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. Raihan Ahamed

...for the Petitioner.

Mr. Bibek Jyoti Basu,
Mr. Debapriya Chatterjee

...for the State-respondents.

Mr. Manish Kumar Das

...for the Respondent Nos.9, 10 & 11.

The disputes between the petitioner and the respondent Nos.9 to 11, is over right, title and interest in respect of a property. It also appears that a partition suit is pending. The petitioner alleges overt act of the police authorities.

The police authorities have filed a report, from which it appears that on the basis of a complaint lodged by the respondent No.9, Nandigraph PS Case No.353 of 2022 dated May 8, 2022 under Sections 447/323/506/34 of the Indian Penal Code, has been registered against the petitioner. The police report is taken on record.

The police authorities have made specific submission that in compliance of the order of the learned Magistrate and in course of the investigation, the police had conducted an enquiry. The allegation of overt act of the police authorities, are denied.

Having considered the rival claims of the parties, this Court is of the view that the right, title and interest of the property, shall be decided in the civil suit and the police authorities shall not disturb the petitioner, except in course of investigation with regard to the pending FIR and/or in compliance with any order that may be passed by a competent court of law.

However, this order shall not prevent the police authorities from taking appropriate steps under the law, if the parties commit any offence in future.

This writ petition is 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.)