

12.07.2022
Sl. No.106(ML)
srm

W.P.A. No. 11426 of 2022

Siraj Lutfar Rahaman

Versus

The State of West Bengal & Ors.

Mr. Shuvro Prakash Lahiri,
Ms. Barnali Gupta,
Mr. Rajesh Naskar

... for the Petitioner.

Mr. Ansar Mandal,
Mr. Hasibul Islam

...for the State-respondents.

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chattopadhyay

...for the Respondent Nos.5 to 7.

Affidavit-of-service is taken on record.

The petitioner alleges that the Officer-in-Charge, Pandua Police Station has failed and neglected to take steps, pursuant to the complaint lodged by the petitioner against the respondent Nos.5 to 7.

According to the petitioner, the respondent Nos.5 to 7 are preventing the petitioner from entering into his house situated at Village-Sanchitara, Post Officer-Belun, Police Station-Pandua, District-Hooghly. According to Mr. Lahiri, the petitioner and the respondent No.5 had entered into an agreement for development of the property. After the development agreement was executed, the respondent

No.5 failed to perform his part of the contract. Thereafter disputes arose. The petitioner had been cheated and prevented from entering into his allotted portion.

Mr. Chattopadhyay, learned Advocate appearing on behalf of the respondent Nos.5 to 7, submits that the petitioner has suppressed material facts before the Court. According to him, as many as three writ petition had been filed on the selfsame cause of action. With regard to the dispute over the development agreement proceedings are already pending before the learned Arbitrator. It is submitted that orders have been passed by this Court, directing the police authorities to take appropriate steps on the basis of the complaints of the petitioner and to ensure that the petitioner is safely escorted back to his house at Pandua.

Mr. Mandal, learned Additional Government Pleader, submits a report. It appears that pursuant to the direction of this Court, enquiries were made. Apprehending breach of peace, proceedings under Section 107 of the Code of Criminal Procedure was submitted against the respondent Nos.5 to 7. Mr. Mandal also reiterates the submissions of Mr. Chattopadhyay with regard to similar prayers having been made by the

petitioner in three earlier writ petitions. The police report is taken on record.

Under such circumstances, this Court is of the view that the petitioner is at liberty to make any interim prayer as may be permissible under the law, before the learned Arbitrator. The police will keep a vigil to avoid breach of peace and to maintain law and order.

This order shall not be treated as an observation on the correctness of the allegations made by the petitioner against the respondent Nos.5 to 7. The issues, which have been raised, are already pending adjudication before the learned Arbitrator and such issues cannot be entertained by the police authorities.

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.)