

16.08.2022
Court No. 19
Item 399(ML)
CP

WPA No. 13173 of 2021

Smt. Durga Bala Dasi
Vs.
The State of West Bengal & ors.

Mr. Gopal Mondal
...for the petitioner.

Mr. Partha Pratim Roy
Mr. S. Sanyal
....for the respondent nos. 10 & 11.

The petitioner alleges inaction of the Officer-in-charge, Bharatpur Police Station. The petitioner complains that the police authorities have failed and neglected to take steps despite specific allegation having been raised before them. Reliance is placed on a legal notice issued by the learned advocate for the petitioner dated April 20, 2021, addressed to the respondent nos. 10 and 11 and marked to a series of authorities and private parties.

Mr. Roy, learned advocate appearing on behalf of the respondent nos. 10 and 11, submits that the allegations in the writ petition are false and baseless. That the property was sold on May 31, 2011 to the respondent no. 10. That the petitioner did not raise any objection to the said deed of sale nor was any civil suit ever filed for a declaration and cancellation of the said deed. The petitioner's remedy was before

the appropriate civil court at the appropriate stage. He further submits that even a suit would be barred by limitation if filed at this belated state. The petitioner, for an extraneous considerations and with ulterior motive, has preferred this writ petition in order to get the police involved. Learned Advocate alleges extortion by the petitioner.

Having considered the rival contentions of the parties and having gone through the legal notice, it appears that the dispute between the parties is completely civil in nature. The petitioner is unable to show that after the execution and the registration of the alleged deed of sale, any complaint had either been lodged before the police authorities alleging non-payment and fraud. The petitioner had never approached the civil court for a declaration of the deeds being void.

On the other hand, the learned advocate for the petitioner has claimed more money from the vendees by issuing a legal notice sometime in 2021 on the ground that the consideration money as mentioned in the deed of sale of Rs.1,06,000/- had not been received and as such, a further compensation of Rs. 50 lakhs with 10% interest must be paid to the petitioner.

Having considered the contents of the legal notice and having considered the fact that there was

no complaint before the police authorities, although the alleged transfer took place sometime in 2011, the court is of the view that the petitioner has failed to establish any police inaction.

A legal notice issued by a private party to another private party between whom there was a transaction, even if marked to the police, could not be taken as a complaint before the police authorities, as envisaged under Section 154(1) of the Cr.P.C.

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.)