

S/L 140(ML)
18.08.2022
Court. No. 19
GB

WPA 14458 of 2022

Dr. Ram Bujhwan Dhariya
VS
The State of West Bengal & Ors.

*Mr. Shareq Siddique,
Mr. Shabaz Alam,
Mr. Shahrawaz Alam,
Mr. Daraksha Anjum.*

...for the Petitioner.

*Mr. Nilotpall Chatterjee,
Ms. Piyali Sengupta.*

...for the State.

Mr. Mondal (name not supplied)

...for the Respondent No.5 to 7.

Affidavit-of-service filed in Court today, is kept with the record.

The allegation is against the Officer-in-Charge, Dankuni Police Station. It is submitted by the petitioner that despite having received the complaint dated November 27, 2020, the police authorities have not taken any steps. The allegations are with regard to fabrication of the Voter Card of the petitioner, misappropriation and breach of trust. On the self-same issue, a civil suit has been filed by the petitioner for declaration and injunction being Title Suit No.402 of 2021. The civil suit is pending.

The prayer for temporary injunction made before the learned civil court with regard to the property in question was rejected. The Court found that the defendant in the suit, that is, the respondent nos.5 to 7 were in possession of the property in question. Their names had been duly mutated in the record of rights. It also appears that the grievance of the petitioner before the learned court at the stage of hearing of

the temporary injunction was non-receipt of the consideration money.

Mr. Mondal, learned advocate appearing on behalf of the respondent nos.5 to 7 submits that the power of attorney was executed by the petitioner in 2009. On the strength of the power of attorney, the sale took place and the consideration money was given to the petitioner. Once the civil court was in seisin of the matter and had rejected the prayer for injunction, nothing further remains to be decided by the police authorities.

Mr. Chatterjee, learned advocate for the police authorities submits that the police authorities tried to contact the petitioner, but the petitioner could not be reached, hence, further steps could not be taken.

Having considered the rival contentions of the parties, the writ petition is disposed of with a direction upon the Officer-in-Charge, Dankuni Police Station to consider the complaint dated November 27, 2020 strictly in accordance with law. It is entirely within the domain of the investigating agency to take a decision on the complaint filed by the petitioner, and take necessary action as per law. The merits of the allegations have not been gone into.

As no affidavits have been called for, the allegations against the respondent nos.5 to 7 are deemed to be denied.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)