

07.06.2022
Sl. No.29
srm

W.P.A. No. 15312 of 2021
With
CAN 1 of 2022
Manik Chandra Das
Versus
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
...for the Petitioner.

Mr. Bipin Baidya
...for the Respondent Nos.8 & 9.

Ms. Jayeeta Sinha,
Mr. Sandip Mandal
...for the State-respondents.

Mr. Apurba Kumar Das,
Ms. Rita Bhattacharya
...for the Applicants.

The writ petition has been filed alleging inaction on the part of the Officer-in-Charge, Joynagar Police Station, Baruipur Police District. The allegation is that the respondent Nos.8 and 9, who are the younger son and daughter-in-law of the petitioner, had assaulted the petitioner on numerous occasions. Several complaints were lodged against the respondent Nos.8 and 9. No steps were taken by the police authorities. Aggrieved, the petitioner moved this Court by filing the writ petition.

The Officer-in-Charge, Joynagar Police Station was directed to submit a report before the Court on an earlier occasion. Such report has been filed.

It is submitted on behalf of the respondent Nos.8 and 9 that the dispute is with regard to property. The said respondents have 1/3rd share in the property which is being denied by the petitioner and his elder son. That the petitioner has approached this Court under the influence of the elder son. Such contention is also supported by Mr. Das, learned Advocate, who seeks to intervene in the matter. According to Mr. Das, the contention of the respondent Nos.8 and 9 are correct. Mr. Das represents the wife of the petitioner and the unmarried daughter who have filed an application for addition of party, seeking to intervene. Such prayer is allowed. Let the applicants in CAN 1 of 2022 be added as respondents in the writ petition.

The petitioner is directed to add Smt. Madhavi Das and Ms. Indrani Das by amending the cause title in the writ petition, here and now. As the writ petition can be disposed of, no useful purpose will be served by sending the same to the department for the aforementioned formality.

The police authorities have enquired into the matter and found that the dispute was between the family members and was civil in nature. The bone of contention was with

regard to the demarcation of the landed property amongst the co-sharers.

Initially a prosecution report vide NCR 338 of 2022 dated April 22, 2022 under Section 107 of the Code of Criminal Procedure had been filed. Subsequently, on the basis of the continuous complaints of the petitioner, Joynagar Police Station Case No.299 of 2022 dated April 23, 2022 was initiated. Investigation is pending. One Sub Inspector has been engaged as the investigating officer in this case. It also appears that the parties had approached the local member of the Board of Administrators, Jaynagar-Majilpur Municipality for an amicable settlement of the property dispute and a settlement was arrived and recorded. The decision was signed by all the co-sharers, including the petitioner. This fact has been suppressed in the writ petition.

In view of the facts which have surfaced upon enquiry by the police and on the submissions of the respective parties, this Court does not find that the police authorities have failed to discharge their duties under the law. The dispute between the family members over demarcation of the landed property cannot be decided by the police authorities. The police authorities are only duty bound to enquire into the offence, on the basis of the FIR registered under Section 24 of the Maintenance and welfare of Parents and Senior Citizens Act,

2007. Such investigation shall be concluded expeditiously, in a free and fair manner.

The parties are directed to enjoy the property peacefully until their respective shares are decided by the Civil Court.

The writ petition is, thus, disposed of.

The application being CAN 1 of 2022 is disposed of accordingly.

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.)