

S/L 6
25.08.2022
Court. No. 19
GB

WPA 17629 of 2022

Asish Kumar Mandal & Ors.
VS
The State of West Bengal & Ors.

*Mr. Subhankar Nag,
Mr. Sourav Ghosh,
Mr. Soumik Chakraborty.*

...for the Petitioners.

*Mr. Anirban Roy,
Mr. Nilotpall Chatterjee,
Mr. Prantik Garai.*

...for the State.

Mr. Abhishek Banerjee.

...for the Respondent Nos.6 & 7.

*Mr. Dipanjan Datta,
Mr. Sayan Datta,
Mr. Atanu Basu,
Ms. Reshma Chatterjee.*

...for the Respondent Nos.8 & 9.

*Ms. Noelle Banerjee,
Mr. Dipanjan Dey.*

...for the Respondent Nos.12 & 13.

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

Despite service, none appears on behalf of the promoters/builders.

The petitioners allege inaction of the police authorities. The petitioners purchased a flat, being Flat No.2B, 2nd Floor in municipal premises no.1/175, Gariahat Road, Kolkata – 700068. The flat had been fraudulently sold by the promoters on a number of occasions to other buyers, by making certain alteration in its description. The same property had been transferred multiple times.

The learned advocates for the Punjab National Bank and the Bank of Baroda, who had granted loans to the

prospective buyers are also before the Court. They agree with the petitioner, that such fraudulent transfers had taken place.

The learned advocate for the LIC Housing Finance, who is also a financier in respect of some flats, submits that as of now, their borrowers have not approached the LIC Housing Finance with any complaint.

The Punjab National Bank had lodged an FIR in this regard, before the Bidhannagar East Police Station and on the basis thereof, Bidhannagar East Police Station Case No.14 of 2021 dated February 11, 2021 was registered under Sections 420/406/120B of the Indian Penal Code. The complaint lodged by the Bank of Baroda before the jurisdictional police station was clubbed with the Bidhannagar East Police Station Case No.14 of 2021, as the cause of action in both the complaints arose out of a similar incident.

Upon hearing the learned advocates for the respective parties and also on appreciating that an investigation has already been initiated on the basis of the complaint lodged by the banks, this Court thinks it prudent to refer the matter to the Joint Commissioner of Police (Crime), Lalbazar, Kolkata, who shall take a decision on the basis of the complaint filed by the petitioners, as to which police station or which department/investigating agency shall investigate the matter. The offence relates to a scam involving a few crores of rupees and attempts have been made to also defraud the banks.

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.)