

03.11.2022.
Court No.13
Item No. 6
ap

W.P.A. No. 9663 of 2020

**Rajesh Kumar Pathak
Versus
The State of West Bengal & Ors.**

Mr. Madan Murari Verma,
Mr. Abhishek Verma.

...For the petitioner.

Mrs. Chama Mookherji,
Mr. Siroj Gupta.

...For the State.

Mr. Ankit Agarwala,
Ms. Alotriya Mukherjee,
Ms. Robin Basu.

...For the respondent nos.4 & 5.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner had lodged a complaint on 10th
September, 2019 with the Officer-in-charge,
Chinsurah Police Station stating that the private
respondents had illegally dispossessed him from
certain portions of a property and have converted the
belongings of the petitioner.

It appears from the records that prior thereto, a
Civil Suit filed by the petitioner against the private
respondents being Title Suit No. 214 of 2007, was
dismissed on the ground of limitation by the learned
Civil Judge (Junior Division) 1st Court, Hooghly Sadar.

Counsel for the petitioner submits that police
have not taken any steps in respect of the petitioner's
complaint.

Counsel for the private respondents submits that since the suit for eviction filed by the petitioner has been dismissed, it should be understood as a finding that the private respondents were in exclusive possession of the entire premises.

This Court does not find any such findings from the Civil Court. No such inference can be drawn.

In those circumstances, Chinsurah Police Station shall forthwith register an FIR and commence investigation. A final report shall be submitted to the jurisdictional Magistrate within a period of three months from date.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)