

06 20.06.2023
NB Ct. 39

WPA 2160 of 2020

Swapan Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Subir Kumar Bhattacharyya.
....for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had purchased plots of land by a registered deed at Kalinagar Mouza, Kakdwip, Harwood Point Coastal Police Station, South 24-Parganas. The respondent no.4 being the petitioner's brother along with other antisocials came and illegally and forcibly took possession of some of such properties. The petitioner made complaints before the local police station and thereafter, before the Superintendent of Police. But, no steps were taken, far less an FIR being registered.

No one appears on behalf of the respondents.

I have heard the learned counsel and have perused the writ petition.

If the local police station does not register an FIR when a cognizable offence is made out, then there is remedy available to the petitioner to approach the concerned Superintendent of Police. It seems that the petitioner has also done that, but in vain.

It was thereafter open to the petitioner to approach the concerned jurisdictional Magistrate with a complaint praying for a direction under Section 156(3) of the Code to register an FIR.

On this, reliance is placed on ***Aleque Padamsee & Ors. Union of India***, (2007) 6 SCC 171. But the same has not been done by the present petitioner. Instead he has chosen to approach this Court.

Therefore, the writ petition is disposed of by granting liberty to the petitioner to approach the learned jurisdictional Magistrate with his complaint if he has not done so, yet.

However, it is clarified that merits of the case have not been gone into.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)