

WPA 6665 of 2023

Ainuddin Molla

-vs-

State of West Bengal & ors.

Mr. Dhananjai Banerjee

Mr. Md. Shamimuddin

....for the petitioner

Mr. Ansar Mondal

Mr. Md. Idrish

...for the State

Mr. Asif Hossain

Mr. Mahesh Joshi

Mr. Kajoal Kr. Dutta

...for respondent nos. 10 to 16

Mr. Swarnaly Das

...for respondent nos. 6 & 7

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to take proper steps in respect of the complaint lodged by the petitioner and to ensure the safety and security of the petitioner.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner, by a decree passed in 1995 in a civil suit, was declared the owner of the property in question. After that the private respondents had been trying to illegally grab the property. In 2022, the private

respondents in connivance with others sold a portion of the said property to a third party. Aggrieved with this, the petitioner filed an application under Section 156 (3) of the Code directing registering of an FIR. A direction was passed and accordingly, an FIR was registered being Metiabruz Police Station Case No. 15 dated 07.02.2023 under Sections 120B, 419, 420, 468, 471 and 188 of the Penal Code. However, no steps have been taken by the police authorities despite lodging of the FIR.

Learned counsel appearing on behalf of the private respondent nos. 10 to 16 submits as follows. This is a purely civil dispute between the private parties. There is no prima facie case made out as would be evident from a plain reading of the First Information Report. After the decree in the suit of 1995, another suit has been filed in respect of the property and the same is still pending.

Learned counsel appearing on behalf of the State relies on the police report and submits as follows. Investigation has commenced. The Investigating Officer has examined witnesses under Sections 161 of the Code and issued notices under Section 91 of the Cr. P.C. Replies from the ADSR, Behala, 24 Parganas South and the Assistant Assessment Collector, KMC are being verified. As such, there is no police inaction as alleged.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the report filed by the State.

It appears that the Investigating Agency has taken sufficient steps by examining witnesses and issuing notices.

It does not appear that a case police inaction has made out.

However, the police shall strict vigil at the locale.

With these observations, the writ petition is disposed of without cost.

Urgent Photostat certified copy of this order be supplied to the parites, if applied for, as early as possible.

(Jay Sengupta, J.)