

WPA 8981 of 2023

Sri Binay Sardar

-vs-

The State of West Bengal & ors.

Mr. Manabendra Thakur

...for the petitioner

Mr. Wasim Ahmed

Mr. Md Shehabuddin

...for the State

Report filed on behalf of the State on merits as also regarding intimating the private respondents about the pendency of the case as filed in Court is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. He had purchased it and had built a house in it. Two of his four sons are now trying to grab the said property. They prepared a document purporting to be a deed of gift. This was executed without the free consent of the petitioner. The petitioner has already filed a civil suit for cancelling such deed of gift. An injunction order has been passed restraining the private respondents from ousting the petitioner from the property. However, the private respondents have continued to torture the petitioner. The petitioner was constrained to file complaint before the police authorities, but the police have not taking any steps.

Learned counsel appearing on behalf of the State relies

on the report and submits as follows. There was no inaction on the part of the police. No FIR was registered on the complaint of the petitioner as no cognizable case was made out. However, a proceeding was initiated under Section 107 of the Code.

It is contended by the petitioner that he has already obtained an order of interim injunction restraining the private respondents from ousting him from the property.

So far as, the complaints of the petitioner are concerned regarding torture inflicted by the private respondents, if the petitioner thinks that a cognizable case is made out, he shall be at liberty to act in terms of a directions passed in Aleque Padamsee's Case, (2007) 6 SCC 171.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)