

31.07.2023
Item No. 147
BR

WPA 10086 of 2023

Swapan Kumar Misra & anr.
-vs
The State of West Bengal & Ors.

Mr.Argha Banerjee,
Mr. Amarendra Chakraborty
.... For the petitioner

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities, especially the respondent nos. 1 to 3, to take immediate steps on the basis of the complaint submitted by the petitioner.

Affidavit of service filed by the petitioner in Court today is taken on record. Despite service, no one appears on behalf of the private respondents.

Report filed on behalf of the State is also taken on record. Copy of the same is handed over to the learned counsel for the petitioners.

Learned counsel appearing for the petitioner submits as follows. The

petitioners were duped to enter into an agreement with the private respondents. Thereafter, the latter started causing harassment and intimidation to the petitioner. Despite making complaints before the local Police Station, the police have taken no steps. The petitioners are in constant fear of the private respondents and their antisocial agents.

Learned counsel appearing for the State relies on a case diary and submits as follows. There is an existing dispute between the private parties over a property. After making enquiry on the complaint of the petitioner no. 2, the police initiated a proceeding under Section 107 of the Code. As a specific FIR being English Bazar P.S. Case No. 781 dated 15.5.2023 was also started.

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

It appears that there is a property dispute in between the adverse parties. However, that does not give an excuse to anyone to harass and intimidate the other.

It appears that the police have already taken steps on the complaint made by the petitioner. They have started a proceeding under Section 107 of the Code and have also lodged an FIR which is being investigated.

Therefore, there is no need to pass any further order in this regard.

However, the respondent authorities shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)