

08.06.2023
Court No. 19
Item no.32
CP

C.O. 1704 of 2023

Dipak Kumar Das
Vs.
Rinku Agarwal Chiraneewala & ors.

Mr. Sayantan Chatterjee
Ms. Rajashree Bhowmick
.....for the petitioner.

Mr. Rupak Ghosh
Mr. S. Sanyal

....for the plaintiff/opposite party.

Mr. Chayan Gupta
Mr. Rittick Chowdhury
Mr. A. Mookerjee

....for the defendant/opposite party.

The petitioner in this revisional application is a learned receiver appointed by the trial court in Title Suit No. 1785 of 2019. By an order dated April 26, 2023, learned XIIth Bench City Civil Court at Calcutta, rejected the receiver's application for visiting the suit property with police assistance. It appears from the order impugned that the learned court rejected the application of the receiver on the ground that the complaint lodged before the police did not categorically mention the police station.

On a bare reading of the complaint lodged before the police station it appears that by a letter dated April 6, 2023, a complaint was lodged with the Officer-in-Charge, Bandel - Polba Road with regard to

illegal trespass and theft at the cold storage being P.M. Cold Storage situated at Mouza – Gotu, Police Station – Polba.

The police authorities however, did not take any steps although the track report obtained from the postal department indicates that the complaint was delivered to the Officer-in-Charge, Polba Police Station.

The learned receiver is an officer of the court. The court is the custodian of the property. The learned receiver must ensure protection of the property.

Having heard the learned advocates for the respective parties, this court does not have any hesitation to hold that the learned receiver rightly filed the complaint before the police station. When the police authorities failed to take steps, the receiver approached the learned court below for police assistance to enable him to visit the property and make a fresh inventory.

The order impugned is set aside. The learned receiver is permitted to visit the locale with prior intimation about the date and time of the visit to the police authorities and to the contesting parties.

The Officer-in-Charge, Polba Police Station is directed to provide assistance to the learned receiver during his visit and in the course of inventory.

This court observes that once the police authorities have received the complaint from the learned receiver, who is the officer of the court and the property is in the custody of the court through the learned receiver, necessary steps ought to have been taken by the police authorities. A report shall be filed by the learned receiver in the court below after completing the inventory.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)