

592 11.12.2023
NB Ct. 14

WPA 14428 of 2023

Debasish Dutta
Vs.
The State of West Bengal & Ors.

Mr. Debasish Dutta.
... the petitioner (in person).

Mr. Amal Kr. Sen Id. AGP,
Mr. Sanjay Mukherjee.
...for the State.

Affidavit of service filed by the petitioner appearing in person is taken on record.

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

The petitioner appearing in person submits as follows. The petitioner is the owner of the property in question. the private respondents who are the co-sharers of the property like his brother and sister-in-law have been trying to grab his share of the property. About three years ago, they in connivance with the local antisocials dispossessed the petitioner and ousted him from the property. From then on, the petitioner had been filing different proceedings before Courts of law and approaching police authorities, but in vain. The petitioner has also filed complaints before the police authorities, but no action was taken. The partition suit filed by the petitioner is still pending.

Learned senior counsel representing the State submits as follows. Allegations made in the writ petition about police inaction are denied. As would reveal from the report, police have always acted on complaints made by the petitioner. At least, one such FIR was found to be false and a final report had

to be filed. In one FIR being Kharagpur Town Police Station Case No.158 of 2023 dated 13.03.2023, a charge sheet dated 31.05.2023 was submitted against the five accused persons. The dispute is otherwise civil in nature. Paragraph 6 of the writ petition would reveal that there is also a dispute between the petitioner and his wife. However, the police are keeping a close watch on the developments in the locality.

It appears that there is a civil dispute pending between the private parties.

If any of the parties wishes to establish any further right in respect of the said property, the same has to be done before the learned civil Court.

It is reported that a partition suit is pending. Let the same be heard out expeditiously and in accordance with law.

So far as the complaints made by the petitioner are concerned before the police authorities, some steps have been taken by the police authorities. In respect of one FIR, a charge sheet submitted and in respect of another FIR, a final report was submitted.

If the petitioner files any complaint before the police authorities, they shall consider the same in accordance with law and take appropriate steps.

No further order need be passed in this regard.

However, the police shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a civil Court is violated.

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

(Jay Sengupta, J.)