

346 09.10.2023
NB Ct. 14

WPA 14627 of 2023

Swapna Ghosh & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Arnab Sinha,
Mr. Amartya Basu.
...for the petitioners.

Mr. Amitesh Banerjee, Id SSC,
Mr. Tarak Karan.
...for the State.

Affidavit of service filed on behalf of the petitioners 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.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the wife, children and other relatives of the victim deceased. For quite some time, a land dispute had existed between the petitioners on one side and the private respondents on the other. There were civil cases pending. Representations were made to the police authorities regarding the threat and assault to the victim and others. Yet, no action was taken. Finally, the victim was done to death by the miscreants. An FIR was lodged. The same is not being properly investigated. Even after the incident, the private respondents and their men and agents are harassing and intimidating the petitioners. On one occasion, they assaulted the petitioners, which led the registration of another

FIR. The same Investigation Officer is involved in both the cases and he has not done a good job.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegations made in the writ petition regarding police inaction are disputed by the learned counsel for the State. There is a long standing civil dispute between the private parties. There are also criminal cases and counter cases between the private parties. As would appear from the post-mortem report of the victim deceased, the cause of death is effect of pathological condition of heart, which was ante mortem in nature. The case, however, is being investigated properly by the Investigating Officer.

It appears that there is a property dispute between the private parties. Cases and counter cases pending this regard.

However, the case relating to the death of the victim deceased has to be properly investigated. Let the further investigation to the case be done henceforth under the supervision of the Deputy Superintendent of Police to be nominated by the Superintendent of Police, Barasat Police District, North 24-Parganas in this regard.

The respondent police authorities shall also keep a sharp vigil at the locale and ensure that no breach of peace takes place and see to it that no order of any Court is violated.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)

