

06 27.07.2023
NB Ct. 14

WPA 16710 of 2023

Sandip Mondal
Vs.
The State of West Bengal & Ors.

Md. Shamimuddin
...for the petitioner.

Mr. Suman Sengupta,
Ms. Amrita Panja Moulick.
....for the State.

This is an application under Article 226 of the Constitution of India alleging police inaction in respect of an FIR lodged by the petitioner being Gosaba Police Station Case No.38 of 2023 dated 11.03.2023 under Sections 420, 468 and 471 read with Section 34 of the Penal Code and for granting police protection for the safety and security of the petitioner.

Affidavit of service filed on behalf of the petitioner 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 petitioner submits as follows. The petitioner is the owner of the property in question and in spite of having no connection with the said property, the private respondents sold away a portion of the said property. This prompted the petitioner to approach the police. But, no steps were taken. An application was filed under Section 156(3) of the Code. Pursuant to a direction passed

therein, an FIR was registered. However, investigation is not being done properly.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Pursuant to the dispute between the adverse parties, a proceeding under Section 144 of the Code has been initiated. So far as the investigation of the instant FIR is concerned, statements were recorded under Section 161 of the Code. A notice was sent to the petitioner under Section 91 of the CrPC for producing documents. Notice was given to the accused under Section 41A of the Code. Thereafter, the accused were granted bail upon surrendering before the learned Trial Court. The IO also collected the status reports of land from the BL & LRO, Gosaba and from the ADSR, Basanti, South 24-Parganas.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that investigation is going on and the police are taking necessary steps.

It is expected that the investigation be concluded expeditiously and in accordance with law.

In the meantime, the respondent police authorities shall ensure that no breach of peace takes place at the locale.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)