

22 03.08.2023
NB Ct. 14

WPA 16832 of 2023

Nataraj Adhikary @ Biswajit Adhikary
Vs.
The State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee,
Ms. Moumita Pandit,
Mr. Supreem Naskar,
Ms. Jayashree Patra,
Ms. Ritushree Banerjee.
...for the petitioner.

Mr. Sk. Md. Galib (Sr. Adv.),
Mr. Tamal Taru Panda.
....for the State.

Mr. Stanmay Chowdhury,
Ms. Ritoprita Ghosh.
...for the respondent nos.6-10,12&13.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to direct the superior officer to take over the investigation of the case and to act in accordance with law and provide police protection for the petitioner and his family members.

Affidavit of service filed on behalf of the petitioner is taken on record.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents being the local miscreants have been harassing and intimidating the petitioner without any rhyme or reason. On one occasion, they attacked the house of the petitioner assaulted the inmates. They

damaged the properties therein. The police did not entertain any FIR from the petitioner. This prompted the petitioner to prefer an application under Section 156(3) of the Code. After a direction was passed, an FIR was lodged. However, here too the police was acting hand in glove with the private respondents. No effective investigation was done. Some of the accused surrendered and obtained bail. The petitioner is in fear of other atrocities and therefore seeks police protection.

Learned counsel appearing on behalf of the private respondent nos.6 to 10, 12 and 13 submits that there is an ongoing property dispute between the petitioner and the respondent no.6, who are the co-sharers in the same property. Furthermore, the petitioner belongs to a rival political party than the respondent no.16. These might have prompted the petitioner to foist false cases.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. After an FIR was registered, investigation is going on. Notices were given under Section 91 of the Code to the complainant to produce documents. Some documents were seized. Raids were held at places to arrest the FIR named accused. According to the report, allegations against the respondent nos.2, 3, 4 and 5 could not be substantiated.

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.

Before filing a formal report in final form, it is rather strange for the investigating officer to come to a positive finding

in a report to be filed before this Court that the allegation against the respondent nos.2, 3 4 and 5 could not be substantiated. Be that as it may, let the investigating officer act in accordance with law expeditiously.

As some steps were taken in respect of the complaint lodged, no further order need be passed in this regard.

However, the respondent police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and no harm is caused to the petitioner and his family members.

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.)