

14 27.07.2023
NB Ct. 14

WPA 17177 of 2023

Sourendra Nath Dutt
Vs.
The State of West Bengal & Ors.

Mr. Subhendu Banerjee
...for the petitioner.

Mr. Suman Sengupta,
Mr. A. Mukherjee.
....for the State.

Mr. Tanusree Ghosh
...for the respondent no.4.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to take action against the private respondents and their men and agents and provide police protection of the life and property of the petitioner.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a co-sharer of the property in question at 171A and 171B, Bidhan Sarani, Kolkata-700006. The private respondent had forced the present petitioner to execute a Deed of Sale in respect of his share in favour of the private respondent and have it registered. This was done in October, 2021. Out of fear, the petitioner could not take any steps and approached the local police authorities who refused any help. This prompted the petitioner to approach this Court now.

Learned counsel appearing on behalf of the private respondents submits as follows. The Deed was executed and registered before the concerned authority. There is no question of applying any pressure or force. The petitioner is approaching this Court after a delay of several years.

Learned counsel appearing on behalf of the State submits that the petitioner, if at all, ought to have approached the learned Magistrate with an application under Section 156(3) of the Code.

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

It appears that the petitioner has come up with an old grievance that in October, 2021, the private respondent had forced him to sell a property to him and even have it registered.

Be that as it may, the petitioner's remedy lies before the learned Magistrate. He shall be at liberty to file an application under Section 156(3) of the Code recorded, which if filed, shall be decided in accordance with law.

Since affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.

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.)

