

11.12.2023
Sl. No. 26.
D/L.
Mithun
Ct.No.14.

WPA 22696 of 2023

Rajashri Giri
Vs.
The State of West Bengal & Ors.

Mr. Ranojoy Chatterjee,
Ms. Piyeta Bhattacharjee,
Mr. Tamal Singha Roy,
Mr. Tamoghna Pramanick

..for the petitioner.

Mr. Srikanta Dutta,
Mrs. Rituparna Sarkar Dutta

...for respondent Nos.9 & 14.

Mr. Arka Kumar Nag,

...for respondent Nos.5,7,8,1213, and 15.

Mr. Suman Ghosh,
Mr. Soumen Chatterjee

...for the State.

Learned Counsel on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question along with private respondents. The private respondents are also co-sharers. They are trying to sell away parts of the joint property. A complaint was made with the police, but no steps were taken. Even after registration of the FIR, no accused has been arrested and no notice has been served under Section 41A of the Code.

Learned Counsel appearing on behalf of the private respondents denies the allegation made in the writ petition and submits that not only the respondent No.9 but the respondent No.14 has also been granted interim order of "not to arrest" by this Court.

Learned Counsel appearing on behalf of the State relies on the report filed earlier and submits as follows. On the complaint of the petitioner, a specific case has been registered at Joynagar Police Station vide Joynagar Police Station Case No.228 of 2023 dated 07.06.2023 and is being investigated into. Necessary steps are being taken in doing such investigation and sharp watch is continuing over this issue. However, the original dispute between private respondents is purely civil in nature.

It appears that there is a civil dispute pending between the private parties. If any of the parties wishes to claim any further relief in respect of the same, it has to be done before the concerned Civil Court.

So far as the complaint of the petitioner is concerned, an FIR has been registered and the investigation is going on.

Let the investigation be concluded expeditiously and in accordance with law.

The respondent police authority shall also keep a strict vigil at the locale and ensure that no breach of peace takes place.

The instant writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Jay Sengupta, J.)