

22.06.2023
Court No.13
Item No.294
AP

WPA 23288 of 2022

**Shri Shri Iswar Jagadiswar and Shri Shri Iswar
Nakuleswar Shib Thakur represented by Tara
Bhakat @ Rinku Bhakat and Anr.**

Vs.

The State of West Bengal and Ors.

Mr. Subrata Bhattacharya
Ms. Malyashree Maity

... For the Petitioners.

Mr. Jahar Datta
Mr. Sumit Kumar Ghosh

... For the State.

Mr. K.M. Hossain

... For the Respondent No.5.

1. Affidavit filed on behalf of the respondent No.5
is taken on record.

2. The petitioners complain of alleged inaction on
the part of the Bally Police Station in investigating
into a complaint lodged by Rajib Kumar, who is the
plaintiff as also the Receiver in Title Suit No.71 of
2001, now pending before the Civil Judge (Junior
Division), 1st Court, Howrah.

3. Learned counsel for the State has produced a
report in the form of instructions issued by the
Officer-in-Charge, Bally Police Station addressed to
the learned Public Prosecutor and the same is taken
on record.

4. The report indicates that FIR No.34/22 dated 6th February, 2022 was registered by the Bally Police Station on the petitioners' complaint. Investigation has been completed and charge sheet being Bally Police Station Charge Sheet No.41/23 dated 30th April, 2023 has been filed.

5. The dispute between the writ petitioners and the private respondents is with regard to the Shebaitship as also an allegedly illegal construction in the suit property. The issue may be dealt with and raised in the Court below.

6. This Court sees no inaction on the part of the Bally Police. The Bally Police shall strictly comply with any order that may be passed by the Civil Court. Bally Police shall also ensure that there is absolutely no breach of peace in the area.

7. With the aforesaid directions, the writ petition shall stand disposed of.

8. There shall be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)