

20.01.2023.
Court No.13
Item No. 8
ap

W.P.A. No. 23907 of 2022
With
I.A. No. CAN 1 of 2023

Shrimati Suchitra Barman & Anr.
Versus
The State of West Bengal & Ors.

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray.

...For the petitioners.

Mr. Uday Narayan Chatterjee,
Mr. Ashim Kumar Ghosh.

...For the respondent nos.4 & 5.

Affidavit-of-service and affidavit-in-opposition
filed in Court today are taken on record.

There are civil disputes with regard to title of the
land by and between the petitioners and the private
respondents.

Counsel for the private respondents has firstly
filed an objection to the application for recall denying
all the allegations made against them.

This Court has not gone into such allegations
and does not feel any need to do the same. None of the
allegations in the recalling application shall be deemed
to have been denied by the private respondents.

The matter is being taken up in view of the
urgency pleaded.

It appear from the record that on 20th October,
2022 a complaint was lodged with the Sabang Police
Station, Paschim Medinipur by the petitioners of two

cases of assault and serious injuries to her husband. It further appears from the records that the medical documents in respect of the assault are also annexed.

This Court is surprised as to why Sabang Police Station has not registered any FIR when there is cognizable offence disclosed, as alleged to have been committed, by the persons named in the complaint.

The dicta of the Hon'ble Supreme Court of India in the case of ***Lalita Kumari – Vs. – Government of Uttar Pradesh & Ors.*** reported in ***(2014) 2 SCC Page 1*** has been disregarded by the Sabang Police Station.

In those circumstances, it is ordered that an FIR be registered immediately and the matter should be investigate by the Sabang Police Station.

It is made absolutely clear that this Court has not in any way entered into or pronounced upon the civil disputes between the parties with regard to the ownership of the title of the property.

There are proceedings pending before the Civil Court, and under the provisions of the West Bengal Land Reforms Act, 1955, inter alia, before the West Bengal Land Reforms and Tenancy Tribunal. There is also a writ petition pending before this Court being W.P.L.R.T. No. 161 of 2022.

It is expected that the investigation into the matter be completed by the Sabang Police Station as expeditiously as possible, preferably within a period of

two months from the date of communication of a copy of this order.

The Officer-in-charge, Sabang Police Station shall, however, ensure that there is absolutely no breach of peace in the area.

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

In view of the disposal of the main writ petition, the connected application being CAN 1 of 2023 shall also stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)