

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 23674 of 2023
Mr. Subhankar Mitra
Versus
The State of West Bengal & Ors.

For the petitioner	:	Mr. Somopriyo Chowdhury Mr. Balaji Chakraborty Mr. Sauryabrata Chakraborty
For the respondent nos. 5 & 6	:	Mr. Rajdeep Bhattacharya Mr. Debashis Banerjee Mr. Arpayan Mukherjee
For the State	:	Mr. Wasim Ahmed Mr. Md. Shehabuddin
Heard lastly on	:	18.12.2023
Judgment on	:	18.12.2023

Jay Sengupta, J:

This is an application praying for a direction upon the respondent authorities to take appropriate steps in respect of the FIR lodged by the

petitioner and to take steps against the respondent nos. 5 and 6 so that they or their associates cannot cause illegal acts.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a shebait of the deity which has palatial property in North Calcutta. At present, the petitioner is stationed in the U.S. He has been denied any access to the said property. In fact, he was assaulted and his articles kept there looted away. After much delay an FIR was registered, but no further steps have been taken in this regard by the police authorities.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. Since 1950s , there is an administrative suit pending in respect of the property in question in the original side of this Court. The suit was decreed and a scheme was formulated. However, the matter has been kept pending for the ease of taking care of the deity's property. In fact, a Special Officer has been appointed by this Court for the limited purpose of taking care of the property. The petitioner had applied for substitution in the suit, but the same was rejected. This is an outright civil dispute.

At this stage, learned counsel on behalf of the petitioner relies on a copy of order dated 29.08.2023 passed by this Court and submits that a substitution application is pending at the behest of the petitioner.

Learned counsel for the State relies on the report and submits as follows. On the complaint of the petitioner, a specific FIR being Beliaghata Police Station Case No. 96 dated 30.08.2023 was registered under Sections

323, 341, 506 and 114 of the Indian Penal Code. A charge sheet has been submitted in the case.

It appears that a civil dispute exists between the private parties. The application for substitution filed by the petitioner in respect of the suit is reportedly pending.

It also appears that the police have taken steps on the complaint of the petitioner by filing an FIR and thereafter, submitting a charge sheet.

Therefore, no further order need be passed in this regard.

However, if the petitioner is aggrieved with the outcome of investigation done on the basis of his complaint, he shall be at liberty to file a protest petition.

As affidavits were not called for, allegations are deemed not to have been admitted.

Accordingly, the writ petition is disposed of, albeit without any costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)