

Item No.38
30.11.2023
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2827 of 2023

Mihir Roy
VS
The State of West Bengal & Ors.

Mr. Niraj Gupta

...for the Petitioner.

*Mr. Subir Kumar Saha,
Ms. Bedashruti Bose*

...for the State.

The petitioner has challenged failure on the part of the Inspector-in-charge, Rajganj Police Station to register an FIR on the basis of the complaint lodged by the petitioner.

The petitioner alleged that after the death of his mother, the petitioner and his brother became the owners of some land pertaining to R.S. Plot No.100. When the petitioner and his brother went to mutate their names by filing a mutation case in the office of the Block Land and Land Reforms Officer, Rajganj, they came to know that one Roshan Lal Agarwal had purchased the land by deed no.6371 dated October 5, 2010. As the mother died on February 23, 2009, the petitioner assumed that Roshan Lal Agarwal had mutated his name, on the basis of a false and fabricated deed. It is further stated that the deed could not be traced in the registry office.

The petitioner has already approached the authorities for mutation of his and his brother's names and for correction of record of rights. The said proceeding shall continue in accordance with law.

The petitioner also has the alternative remedy to file a complaint under Section 156(3) of the Code of Criminal Procedure.

It is only an assumption that Roshan Lal fabricated a document to create the record of rights.

Accordingly, the writ petition is disposed of.

However, there shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)