

09 01.02.2024
NB Ct. 14

WPA 13630 of 2023

Debasis Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Lutful Haque,
Mr. Soumitra Chatterjee,
Mr. Golam Karim Chowdhury,
Ms. Tharima Khatun.
...for the petitioner.

Mr. Amal Kumar Sen Id. AGP,
Mr. Lal Mohan Basu.
...for the State.

Report filed on behalf of the State is taken on record.

No one appears on behalf of the private respondent despite service, as would be evident from the affidavit of service filed earlier.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was the owner of the property in question. He had been residing there for about last 25 years. Since 2021, the private respondent who was staying at the neighbouring plot started disturbing the possession and enjoyment of the property by the petitioner. He would throw garbage and other dirty things inside the property. He would often threaten and intimidate the inmates with iron rods and other weapons. Once he even tried to murder the petitioner's son. This was brought to the notice of the police authorities, but no steps were taken. The police would only say that the private respondent is a cancer patient. This prompted the petitioner to

finally sell off the property. Yet, the police have not taken adequate steps against the private respondent.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A long-standing dispute was going on between the private parties. The private respondent did threaten the petitioner with dire consequences. It is alleged that he would throw garbage inside the petitioner's property. Upon a complaint made by the petitioner, an FIR was registered being Suri PS Case No.251 dated 26.06.2023 under Sections 447, 427, 511 and 506 of the Penal Code. A charge sheet dated 31.07.2023 was submitted in the same.

It is an unfortunate case that the petitioner had to sell off his property in fear of mischief being done by the private respondent.

However, some steps have been taken by the police authorities. At least an FIR was registered and a charge sheet submitted..

However, if the petitioner is aggrieved with the police not entertaining any other complaint of the petitioner in this regard, he shall be at liberty to act in terms of the directions passed in ***Aleque Padamsee*** Case, (2007) 6 SCC 171.

Even otherwise, let the State take necessary steps to take the case already registered to its logical conclusion.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)