

27.06.2024
Item No.6
PG/KS
Ct. No.1

W.P.A.(P) 223 of 2024

**Saibal Bhattacharyya
Versus
The State of West Bengal & ors.**

Mr. Kaushik Gupta
Mr. Debayan Sen
Mr. Amit Halder.....for the petitioner

Mr. Anirban Ray, Ld. GP
Mr. T.M. Siddique
Mr. Supratim Dhar
Mr. Debraj Sahufor the State

1. Petitioner, by way of this public interest writ petition alleges police inaction on the complaint lodged by the petitioner that forged sale deeds and power of attorneys have been created in the name of dead persons and properties have been transferred and this is a case of land grabbing. The petitioner also alleged that the police have not taken up the matter with seriousness and no investigation has been conducted.
2. Learned counsel appearing for the State has placed the written instructions given by the Inspector-in-Charge of Sonarpur Police Station dated 19th June, 2024, from which, it is seen that the police has taken action and case has been registered and charge-sheet has also been laid down and subsequently, on 25th February, 2024, supplementary charge-sheet has also been laid. Thereafter, another complaint was received on 17th June, 2024 from one Anirban Kundu against one

Rejaul Sardar and his company called Twinwork Infraventures Private Limited and F.I.R. has been registered in Sonarpur P.S. Case No. – 804 of 2024 dated 17th June, 2024 and investigation is in progress.

3. Thus, this is not a case where the police has not taken any action but F.I.R. has been registered and in one case charge-sheet has also been laid.
4. Sofar as the power of the police is concerned, they do not have any jurisdiction to cancel a registered instrument. Equally, the revenue authorities for that matter, the Block Land and Land Reforms Officer cannot also cancel a registered instrument. Nonetheless, the revenue authorities can inquire into the matter and ensure that no further transaction takes place, if it is prima facie found that the documents, which are placed for registration are in the names of the dead persons.
5. The petitioner is directed to submit a comprehensive representation to the Block Land and Land Reforms Officer along with all the details and the copy of this order and on receipt of the same, the Block Land and Land Reforms Officer shall inquire into the matter after notice to all concerned and proceed to take action in accordance with law.
6. Sofar as the aggrieved persons are concerned, it will be well open to them to proceed in accordance with law for

the purpose of cancellation of the deeds or documents, which, according to them, have been illegally executed.

7. With the aforesaid directions, the writ petition is disposed of.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)