

August 29, 2024
Sl. No.A 71
Court No.9
s.biswas

WPA 16933 of 2024

Paritosh Ranjan De

vs.

The State of West Bengal and others

Mr. Shamit Sanyal
Ms. Priyakshi Banerjee

... for the petitioner

Mr. Rajarshi Basu
Mr. K. M. Hossain

... for the State

Mr. Tapan Kr. Rakshit

... for the respondent no.5

1. The prayers in the writ petition cannot be entertained.

The contention of the petitioner is that the Estate Manager, Kalyani Township, should be directed to play an active role on the basis of the complaint lodged by the petitioner with regard to transfer of his property to a third party on the basis of a forged power of attorney. The petitioner's grievance is that the Estate Manager being the custodian of the property, could not have allowed such transfer. The plot had been allotted to the petitioner by virtue of a deed of lease dated October 10, 1991.

2. The petitioner further urges that the Estate Manager of Kalyani Township, should be directed to cause a through enquiry on the allegations made by the petitioner. His close associates, namely, Sanjit Bose and Badal Basak had made the petitioner sign some blank papers which were used to put one Rita Chatterjee, in possession of a part of the plot allotted in favour of the petitioner, being Plot No.B-2/277 of Kalyani Township.

3. The petitioner's further allegation is that the registering authority, one assistant sub-inspector of police, Rita Chatterjee and others, took over possession of the property by forging a power of attorney by using the signed papers which were handed over by the petitioner to such other persons. The deed of sale was executed in respect of the property by Rita Chatterjee and others, in favour of Badal Basak sometimes in 2009.
4. The petitioner alleges that the Estate Manager as the custodian of the property which was leased out to the petitioner in Kalyani Township, should also enquire how the fraudulent registration was entered in Book 1 CD volume No.8, pages No.3456 to 3474, for the year 2009.
5. From the pleadings, it appears that the petitioner's case is that his associates had obtained signatures on blank papers and used them for an illegal purpose, by putting one Rita Chatterjee, in possession of a portion of the property. They also created certain other documents and a power of attorney for sale of the property in favour of Badal Basak.
6. In my opinion, the petitioner's remedy was before the civil court. The petitioner has not availed of such remedy. The petitioner could have approached the police authority with the allegations of fraud, misrepresentation forgery etc., which the petitioner has not done.
7. Under such circumstances, an enquiry by the Estate Manager of Kalyani Township, of transactions of 2009,

would be an exercise in futility. The said authority is neither an expert nor competent to set aside the purported documents upon examining whether the documents were forged or not.

8. Accordingly, the writ petition is dismissed.
9. All the parties will act on the basis of the server copy of the order.

(Shampa Sarkar, J.)