

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 21232 of 2024

Surajit Bose
Vs.
State of West Bengal & Ors.

Mr. Mahadeb Sarkar,
Mr. Bikash Chowdhury
...for the petitioner

Mr. Jayanta Samanta,
Ms. Indumouli Banerjee
...for the State

Mr. Prasanta Kumar Banerjee,
Ms. Indrani Nandi
...for the private respondents

Affidavit of service filed today is taken on record.

The petitioner lodged a complaint before the Officer-in-Charge, Petrapole Police Station, Bongaon, District- North 24 Parganas alleging that the private respondents herein have caused damage to the crops cultivated by the petitioner and have also demolished the portion of the boundary wall of the property of the petitioner. Learned Advocate appearing for the petitioner submits that no steps have been taken by the police authorities with regard to the said complaint dated July 31, 2024.

My Banerjee, learned Advocate appearing for the private respondents submits that a civil suit, being Title Suit No. 161 of 2024 is pending before

the learned Civil Judge (Junior Division), Bongaon and the learned Civil Judge by an order dated September 02, 2024 directed the plaintiff and the defendants to maintain status quo in respect of the nature, character and possession of the suit property till October 03, 2024.

In the complaint dated July 31, 2024, the petitioner also prayed for necessary police assistance to enable the petitioner to reconstruct the damaged boundary wall.

The learned Advocate appearing for the State submits that pursuant to the said complaint dated July 31, 2024, a First Information Report has been registered. The report of the Officer-in-Charge, Petrapole Police Station dated August 26, 2024 has been filed by the learned Advocate for the State, which is taken on record.

After going through the said report, this Court finds that pursuant to the complaint lodged by the petitioner, Petrapole Police Station Case No. 112 of 2024 dated August 22, 2024 under Sections 329(3)/324(4)/(5)/351(2)/(3) of the B.N.S. has been started and the investigation is proceeding.

Since the investigation is in progress, this writ petition is disposed of by directing the Investigating Officer to conclude the investigation expeditiously. In the event, the petitioner is not satisfied with the progress of the investigation, the petitioner will be

at liberty to approach the concerned Magistrate in accordance with law.

Insofar as the prayer for police assistance for reconstruction of the boundary wall is concerned, this Court is of the considered view that the petitioner has to approach the civil court where Title Suit No. 161 of 2024 is pending for appropriate reliefs.

With the above observations and directions, the writ petition stands disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)