

D/L.63.
October 7, 2024.
MNS.

WPA No. 21432 of 2024

Samaresh Mohanta
Vs.
The State of West Bengal and others

Dr. Siddhartha Goswami,
Ms. Upasana Shaw

... for the petitioner.

Mr. Asish Kumar Guha,
Mr. Benazir Ahmed

...for the State.

Md. Musa Desai,
Mr. Biswajit Mukherjee

...for the private respondents.

The petitioner alleges that no steps have been taken pursuant to the complaint lodged by the petitioner. The petitioner further alleges that the petitioner has been forcibly ousted from his property and the private respondents herein are not allowing the petitioner to enter into his property.

The learned Advocate appearing for the State files a report of the Officer-in-Charge of Nager Bazar Police Station dated August 28, 2024, which is taken on record.

It appears from the said report that on the complaint lodged by the petitioner, an FIR, being Nager Bazar Police Station Case No. 337 of 2023 dated November 5, 2023 was registered, but in course of enquiry, the charge could not be substantiated.

It appears from page 90 of the writ petition that after investigation, the Nager Bazar PS FRF No. 136 of 2024 dated April 27, 2024 under Sections 120B/468/323 of the Indian Penal Code has been filed.

In view thereof, the petitioner will be at liberty to approach the jurisdictional court and to take all consequential steps before such court.

However, the Officer-in-Charge of Nager Bazar Police Station is directed to ensure that no breach of peace takes place at the locale.

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

After this order was dictated, the learned Advocate appearing for the petitioner submits that when the petitioner is going out from his property, the private respondents put the padlock on the same.

The same being a disputed question of fact cannot be decided by the writ court. It will be open to the petitioner to approach the proper forum for appropriate relief in accordance with law.

There will be no order as to costs.

Photostat certified copy, if applied for, be given to the parties.

(Hiranmay Bhattacharyya, J.)