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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 21508 of 2024

Sri Prosanta Mondal
Vs.
The State of West Bengal & Ors.

Mr. S. Bhatta,
Mr. Sanjib Seth
...for the petitioner

Mr. Wasim Ahmed,
Mr. Md. Shehabuddin
...for the State

Affidavit of service filed today be taken on record.

The learned Advocate for the petitioner submits that two of the private respondents have refused to accept the notice and one has received. The track report with regard to the other private respondents does not indicate that notice has been served upon them at all.

However, taking note of the fact that the petitioner has submitted a representation before the Officer-in-Charge of the concerned police station and has prayed for an order directing the police authorities to take steps, this Court is inclined to proceed with the hearing of this writ petition without waiting for the completion of service upon the remaining private respondents.

The petitioner submitted a complaint before the Commissioner of Police, Howrah Police Commissionerte and the Officer-in-Charge of the Sankrail Police Station stating that while the petitioner was attempting to raise a boundary wall encircling his property, the private respondents herein assaulted the petitioner with fist and blows and obstructed the petitioner with regard to construction of boundary wall. The learned Advocate appearing for the petitioner submits that the private respondents sold a portion of their property by virtue of a registered deed of conveyance dated April 23, 2008. Since a portion of the property of the private respondents have been purchased by the petitioner herein, without ascertaining the boundary line of the property physically, this Court is not inclined to allow the prayer of the petitioner for construction of the boundary wall.

The petitioner is left free to approach the appropriate forum for such reliefs. However, since a complaint has been lodged before the police authorities, it is the duty of the police authorities to act in accordance with law if the complaint discloses a cognizable offence. If the police authority decides against registration of First Information Report, reasons therefor are to be communicated to the petitioner within a period of

two weeks from the receipt of a server copy of this order. In case the complaint discloses a cognizable offence, the police authorities shall take steps in accordance with law forthwith.

With the above observations and directions, this 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.)