

26.09.2024
Sl. No. 41
g.b.
Court No.07

W.P.A. 21854 of 2024

Surendra Prasad
-Vs-
The State of W. B. & Ors.

Mr. Sandip Chakraborty
Mr. Moyukh Mukherjee
Ms. Aishwarya Bajaj
Mr. Kaustav Das
.....For the Petitioner
Mr. Jayanta Samanta
Mr. Kazi Sajjad Alam
.....For the State

The petitioner alleges that the defendants in Title Suit No. 379 of 2024 which is presently pending before the learned Civil Judge (Jr. Division), 1st Court, Sreerampur are violating the order of injunction dated July 10, 2024.

The learned advocate for the petitioner submits that one Ram Krishna Malik along with other defendants and some local anti-socials are threatening the petitioner with dire consequences and also demanding ransom from the petitioner.

The petitioner has lodged a complaint before the Inspector-in-charge, Uttarpara Police Station by letter dated July 30, 2024.

The learned advocate for the petitioner submits that in spite of the fact that the complaint discloses a cognizable offence, no steps have been taken by the police authorities in accordance with law.

Mr. Samanta, learned advocate appearing for the State submits that a prosecution under Section 126/135 (3) of BNSS has been submitted and the locale Police Station is taking steps to maintain peace and tranquility at the locale.

Since a complaint has been lodged, it is the duty of the respondent police authorities to take steps in accordance with law. If the complaint discloses a cognizable offence, the police authorities shall register FIR forthwith in accordance with law. In the event, the said respondent decides against the registration of FIR, the reasons therefor are to be communicated to the petitioner within a period of two weeks of receipt of server copy of this order.

The learned advocate appearing for the petitioner further submits that a direction upon the police authorities for posting a permanent police picket at the locale should be passed so that the petitioner can continue with the construction work at the property in question.

The learned advocate appearing for the petitioner further submits that no representation to that effect has been submitted before the competent authority. If the representation requesting for posting of police picket is submitted before the police authorities, such authorities consider the representation, and conduct necessary enquiries in that regard take note of the orders passed in the Title Suit and take a decision in accordance with law and communicate the same to the petitioner immediately thereafter.

With the above observation and direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)