

1.10.2024
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SD

W.P.A. 23057 of 2024

Susanta Paul
-versus-
The State of West Bengal and Ors.

Md. Sahajahan Hossain
Mrs. S. Sultana
Mr. Sanwar MunianFor the petitioner

Mr. Utsah Chatterjee
Mr. Kaushik Chakraborty
.....For the Respondent no. 10

Mr. Wasim Ahmed
Sk. Md. Masud For the State.

The petitioner was a tenant in respect of a portion of an immovable property. The petitioner claims that the respondent nos. 9 to 13 are the landlords of the petitioner. The petitioner states that the respondent nos. 9 to 13 entered into a development agreement with the respondent nos. 6 to 8. The petitioner states that it was agreed by and between the parties that after construction of the multi storied building a shop room in the ground floor of the proposed multi storied building will be allotted to the petitioner. The petitioner states that the construction of the multi storied building has been completed but the respondent no. 6 to 8 in

collusion with the respondent nos. 9 to 13 have sold away the shop room to third party instead of allotting the same to the petitioner. On such allegation the petitioner lodged a complaint with the police authorities by a letter dated 3rd August, 2023.

The learned Advocate appearing for the petitioner submits that pursuant to an order passed by the learned Additional Chief Metropolitan Magistrate-1, Kolkata on a petition under Section 156(3) of the Criminal Procedure Code an FIR was registered. The learned Advocate further submits that no effective steps have been taken by the investigating agency excepting registration of an FIR.

The learned Advocate appearing for the State files a report of the Additional Officer in Charge, Battala Police Station dated 29th September, 2024 which is taken on record.

After going through the said report, this court finds that the notice under Section 91 of the Criminal Procedure Code has been served upon the complainant for providing the

documents in support of his allegation and the complainant complied with the said request and produced a documents which were seized on 18th March, 2024

The report further states that the complainant and his brother were examined and other witnesses were also examined and their statements were also recorded. The report further states that notice under Section 41A of the Criminal Procedure Code were also served upon the accused persons and the investigation is in progress.

In view thereof this court directs the Investigating Officer to conclude the investigation expeditiously and to take consequential steps there upon.

In case the petitioner is not satisfied with the further progress of investigation, it is open to the petitioner to approach the concerned jurisdictional court.

The affidavit of service filed in court today is taken on record.

With these observations, this writ petition
is thus disposed of.

(HIRANMAY BHATTACHARYYA, J.)