

M/L191
04.12.2024
Bpg.
ct.no.35

W.P.A.26126 of 2024

**Krishnendu Mullick
Versus
State of West Bengal & Ors.**

Ms. Ameena Kabir.
...for the petitioner.

Mr. Susovan Sengupta
Mr. Subir Pal.
...for the State-respondents.

Mr. Saurabh Bhattacharya
Mr. Saurabh Mandal
Mr. Abhirup Halder.
...for the private respondents.

Affidavit of service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that there
has been no progress in connection with
Jagatballavpur Police Station Case No.197 of 2022
dated 05.09.2022 and in spite of an order of
injunction passed by the learned Civil Judge (Senior
Division), 3rd Court, Howrah in Title Suit No.230 of
2022, the private respondents are disobeying the civil
court's order and pursuing the illegal construction at
the subject property referred to in civil suit.

Learned advocate appearing for the State has
submitted a report. Report reflects that the police
authorities till date has been unable to lay their

hands on the alleged forged power of attorney and other documentary evidence which they intend to get examined through QDEB, CID, West Bengal.

Learned advocate for the private respondents disputes and denies the contentions and further submits that they have been falsely implicated in connection with the instant case and unnecessarily the jurisdiction of this Court has been invoked.

Be that as it may, I find that the criminal case was initiated on 05.09.2022. There has been hardly any progress on the issues relating to the accusations of forgery. Police authorities, as such, are directed to take immediate steps in respect of the manner of progress which they intend to give effect to for seizing the alleged power of attorney and the subsequent act after such seizure, if any. To that effect, the investigating officer of the case will once in a fortnight report his progress of investigation to the learned jurisdictional Magistrate in seisin of the matter so that the investigation of the case may be taken to its logical conclusion within a reasonable period of time.

So far as the issue relating to illegal construction is concerned, the police authorities in their report have submitted that there is no alleged illegal construction which is evident on the suit

property in recent times. If the petitioner intends to challenge such contentions, the petitioner will invoke the power of the civil court which is already in seisin of the matter. The civil court will pass necessary directions to cross-check the contentions advanced by the Officer-in-Charge of Jagatballavpur Police Station and render appropriate police assistance to the petitioner for implementation of its order.

With the aforesaid observations, WPA 26126 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)