

Sl.No.
49 11.11.2024
Court
No. 35
G.S.Das

WPA 26345 of 2024

**Jagatberh Aikya Sangha
-Vs-
The State of West Bengal & Ors.**

Mr. Mir Anowar
... for the petitioner
Mr. Sosovan Sengupta
Mr. Subir Pal
... for the State-respondent
Mr. Subhasis Bandopadhyay
... for the Municipality

Mr. Mukteswar Maity
Mr. Prabir Rai
Mr. Pranab Kumar Das
Ms. Nupur Choudhuri
... for the respondent nos. 9 and 10

The petitioner is aggrieved by the fact that he and his associates are foisted with number of criminal cases at the behest of the private respondent nos. 9 and 10.

The main issue which has been brought by the petitioner is regarding the pond being filled up for which resistance has been offered by the petitioner and his

members, for which such false cases have been instituted against them.

Learned advocate for the State has submitted a report, which speaks that State has already taken steps pursuant to which Burdwan P.S. Case No. 872 of 2024 has been registered for investigation and Burdwan P.S. Case No. 875 of 2024 has also been registered for investigation.

So far as the first case is concerned, charge-sheet has been submitted. In the later case, the investigation of the case is still in progress.

The truth and falsity of allegations in a FIR is to be assessed by a statutory court of law. This court under Article 226 of the Constitution of India will not assess regarding the factual circumstances, until the same are improbable which no man of ordinary

prudence would believe.

Having considered that the petitioner is at loggerhead with the respondent nos.9 and 10 and, to that effect, both parties are instituting cases, under such circumstances, it is not possible to assess who is correct and who is incorrect.

As such, I direct that in case, in respect of mode and manner of investigation, there is any grievance of the petitioner, the petitioner would be at liberty to approach the jurisdictional court.

So far as the other allegations are concerned, the same is outside the scope of determination of this court and the petitioner would be at liberty to approach the appropriate jurisdiction of the High Court having determination.

With the aforesaid observations,

WPA 26345 of 2024 is disposed of.

Report so submitted be kept with the record. Let a copy of the report be handed over to either of the parties.

Affidavit of service so filed be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)