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05.02.2024
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Ct 14

WPA 26269 of 2023

Mita De
-vs-
The State of West Bengal & ors.

Mr. Biswajit Hazra
Mr. Archisman Sain
...for the petitioner
Mr. Jayanta Samanta
Mr. Parikshit Goswami
...for the State
Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Mr. Rajashree Tah
Ms. Aishwry Datta
....for the respondent no.5

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has purchased a property from the respondent no.5. The records of rights were also corrected accordingly. Despite several requests, the petitioner has not handed over the possession of the said property. Whenever the petitioner goes to make a request to hand over the property, he is threatened. Police was approached, but no steps were taken.

Learned counsel appearing on behalf of the private respondent no.5 denies the allegations.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, the police have already registered an FIR being Monteswar PS Case No. 651 dated 22.11.2023 under Sections 420, 406 and 506 of the Penal Code. The same is being investigated. A notice under Section 41A has been issued to the accused. The accused have taken bail.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before a Civil Court.

However, it appears that the police have also acted on the complaint of the petitioner by filing an FIR.

Let the investigation be concluded expeditiously and in accordance with law.

No further order need be passed in this regard.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)