

28.10.2024
Item No.
JPG 1
Ct. 7
Nandy/Saswata

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. 2318 of 2024

**Sri Ramesh @ Rameshwar Shah & Anr.
versus
The State of West Bengal & Ors.**

Ms. Suman Sehanabis
Mr. Kunajit Bhattacharjee
Mr. Sitesh Gupta

...For the petitioners

Mr. Somnath Ganguli
Mr. Md. Ahsanuzzaman
Ms. M. Dutta

...For the State

Mr. Subir Banerjee

...For the respondent no. 6

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. The instant writ petition has been preferred by the petitioners for police inaction on the part of the Inspector-in-charge, Pradhannagore Police Station. It is the contention of the petitioners that they have lodged a complaint on 07.10.2024 with the concerned police station alleging specific complaint against the private respondents. The petitioners lodged another compliant with the Commissioner of Police, Siliguri Police Commissionerate on 10.10.2024. The specific allegation is that the police has not taken any steps in respect of the compliant and not registered a case against the respondents, but, suddenly, the petitioners came to know that the police had registered an FIR being Pradhannagore P.S. case no. 653 of 2024 dated 07.10.2024 in respect of a complaint of the private respondent against the petitioner.

3. It is the case of the petitioners that the police have acted in biasness to deal with the complaint of the present petitioners. It is submitted that the petitioners are the registered owners of the disputed plot in question, wherein the private respondent wanted to start construction. Hence, the petitioners pray for necessary order so that the construction may be stopped.

4. Learned counsel appearing on behalf of the State submits a detailed report in Court today. The same is taken on record. It is submitted that the police has already registered a case being Pradhannagore P/R case no. 803 dated 20.10.2024 in respect of the complaint of the present petitioners. It has been submitted by the State that the petitioners proceeded before the learned Civil Court for having the order of injunction but no such order has been received by the petitioners and they just filed the instant writ petition only to get the order of injunction, which is not permissible in the eye of law.

5. It is the specific submission of the State that considering the situation of the issue, the police keeps surveillance upon the concerned area to maintain peace over the disputed plot in question.

6. Learned counsel on behalf of the private respondent appears virtually.

7. Heard the learned counsel appearing for the parties.

8. Perused the complaint of the petitioners being annexure P-5. It appears that the police has already registered a case being Pradhannagore P/R case no. 803 dated 20.10.2024 on the basis of the complaint of the present petitioners. Whether the police is justified for

registering a P/R case on the basis of the complaint of the petitioners, can be decided on the later stage. However, at this juncture it appears that the police has already registered a criminal case. So, it is the duty of the police to conduct proper investigation over the case.

9. I make it clear that the police must make a specific enquiry over the complaint of the present petitioners being annexure P-5 and shall submit a final report. Till then, the police must take necessary steps so that peace and tranquility over the disputed plot in question may not be disturbed.

10. With the above observations and directions, the writ petition being WPA 2318 of 2024 is accordingly disposed of.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Subhendu Samanta, J.)