

26.02.2025
Item No.12
RP/SG
Ct. No.1

FMA 129 of 2025
+
IA No.CAN 1 of 2025

Madhusudan Pal
Vs.
Srikanta Maji & Ors.

Mr. Lakshmi Nath Bhattacharya
Mr. Rajib Kumar Acharyya
Mr. Banshi Badan Maity
....for Appellant

Ms. Pampa Dey (Dhabal)
....for Respondent No.1/Writ Petitioner

Mr. Jahar Lal De, AGP
Mr. Kaustav Bhattacharyya
....for State

1. This intra-Court appeal filed by the 8th respondent in the writ petition is directed against the order dated 10th December, 2024 passed in WPA 28964 of 2024. The said writ petition was filed by the private respondent herein praying for a direction upon the State respondents, namely, respondents no. 1 to 7, to take appropriate steps against the appellant/8th respondent pursuant to the complaints lodged on 27.06.2024 and 21.10.2024 by registering an FIR and causing investigation as it was alleged that the appellant/8th respondent was causing threat of murder to the writ petitioner and also imposing restriction upon movement of the appellant/8th

respondent and also peacefully running the business in the said premises.

2. Learned counsel appearing for the State pointed out that there were two allegations in the complaint dated 27.06.2024 lodged by the writ petitioner before the Officer-in-Charge, Kolaghat Police Station. The first prayer was made to ask the police to ensure that the writ petitioner/complainant is able to cultivate the landed property. The other allegation was against the appellant/8th respondent alleging extortion and threat of murder.

3. So far as the complaint with regard to cultivation of land is concerned, the police authorities cannot take any action on the same and if the writ petitioner was aggrieved the writ petitioner should approach the civil Court. However, the complaint with regard to alleged extortion and threat of murder etc. can always be investigated by the police. Therefore, we slightly modify the order passed by the learned Single Bench by deleting the direction on the police to ensure free egress and ingress of the writ petitioner for carrying on his business. However, the direction on the police to investigate into the matter, if any cognizable offence is made out in the complaint, the police authorities can take action. To this extent, the

order of the learned Single Bench is affirmed. Accordingly, the appeal is partly allowed. The direction issued to the police authorities to ensure that ingress and egress of the writ petitioner is not obstructed for carrying on the business stands aside.

4. The appeal and the connected application are disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)