

28.03.2025

Item No.30

Ct. No.35

dc.

W.P.A. 2978 of 2024

Md. Aftab Alam

versus

The State of West Bengal & Ors.

Mr. Amartya Ghosh,
Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett,
Mr. Souryadeep Ghosh ... For the Petitioner.

Mr. Sk. Md. Galib,
Ms. Priyamvada Singh ... For the State.

Memo of Evidence filed on behalf of the State
be kept with the record.

Learned advocate appearing for the State has
produced the case diary.

The investigating agency is presently
assessing regarding the ownership of the land and
to that extent has sent requisition to the Registrar
of Companies. The records which have been placed
before this Court by the learned advocate for the
State reflect that one Bangeswari Cotton Mills Ltd.
happen to be the owner of the land. There are no
materials till date to suggest whether Bangeswari
Cotton Mills transferred the land to any individual.

It has been pointed out on behalf of the
petitioner that since the Mill/Company closed
down, automatically the land would be reverted to
the Government of West Bengal. In case this is the
perception of the petitioner, the investigating
agency is working on the issue as a resumption
order in respect of the same should be available

with the government records in respect of the land which is the subject-matter of dispute and for which the instant case has been registered for investigation.

State has also submitted that till date they have not been able to trace out the fictitious person viz. Subedar Khan who was the executant of the power of attorney.

Presently, the investigation is proceeding in two parts. One part relating to fixing up the responsibility of the individual accused responsible for transfer and another is regarding the assessment of the ownership of the land whether the petitioner's claim in relation to the land being vested and/or the ownership being retained with the Company which is shown from the record of rights.

Since the investigation at present is at a crucial stage, the same may be taken to its logical conclusion within a reasonable period of time.

So far as the issues relating to cancellation of anticipatory bail is concerned which has been filed at the behest of the petitioner, the State is to submit a report as is reflected from the order dated 25.03.2025 passed in CRM (DB) 341 of 2024. The Hon'ble Division Bench is already in seisin of the issue so far as the grievance relating to the document placed at the time of consideration of

anticipatory bail of the accused person(s) is concerned.

As directed above, let the investigation of the case continue and the investigating officer being in the rank of Assistant Commissioner of Police will assess as to whether the allegations in the complaint so filed which are the basis of registration of the FIR has a factual foundation and is genuine.

With the aforesaid observations, the writ petition being WPA 2978 of 2024 is disposed of.

There will be no order as to costs.

Case diary be returned to the learned advocate appearing for the State.

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

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

(Tirthankar Ghosh, J.)