

D/L 10
06.02.2025
Kausik
ct.no.35

W.P.A. 16051 of 2024

**Somprakash Dutta
Versus
State of West Bengal & Ors.**

Mr. Manik Lal Poddar

...for the petitioner.

Mr. Somnath Ganguli, Sr. Adv & AGP
Mr. Rajaram Banerjee

...for the state.

Petitioner is aggrieved by the fact that in spite of purchasing the property and enjoying the building present over there, the private respondents have broken the padlock affixed and illegally occupied the property, thereafter misappropriating the valuable articles which were present.

Learned advocate appearing for the State has submitted a report. Report reflects that the police authorities have requisitioned documents from the respective departments and has also expressed that the petitioner should approach the Enquiry Officer along with the original documents which is in his custody.

Learned advocate appearing for the petitioner has drawn the attention that already documents have

been submitted but to the best of the understanding, the same must be photostat copies of the documents.

Be that as it may, so far as right, title, interest and possession is concerned, police authorities have limited role to play in deciding the same.

If the police authorities are of the view that the petitioner was in possession and has been dispossessed, then they would conduct a local enquiry from the neighbours and ascertain the same.

Police authorities would also ascertain as to whether the articles which were present in the house were misappropriated in course of time. If after conducting enquiry, police authorities arrive at a stage when they are of the opinion that a cognizable offence is made out, the police authorities would act in accordance with law at the relevant point of time.

Petitioner is directed to communicate with the Enquiry Officer along with original documents in order to establish his claim as has been contended in the writ petition.

With the aforesaid observations WPA 16051 of 2024 is disposed of.

Report so submitted by kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

(Tirthankar Ghosh, J.)