

14
jdt. 03.12.2025
jb.

WPA 26754 of 2025
(Kallol Kumar Mukherjee & Ors. vs. State of West Bengal & Ors.)

Mr. Subhabrata Datta
Mr. Jatindra Barik
Mr. Debasis Sarkar
.... For the Petitioners
Mr. Biplab Guha
Ms. Ratna Das
.... For the State

Affidavit of service filed by the petitioners and the report submitted by the State are taken on record.

None appears for the private respondents despite service.

Learned counsel for the petitioners submits that the private respondents are part of a racket which is committing an organised crime of impersonating land owners and selling out land by forging signatures, photographs etc. of the said owners and fabricating title deeds in connivance with the officers of the registration department. The petitioners are victims of such crime and lodged several complaints before the police authority in this regard. The first complaint was lodged before the Kulti police station which was registered as FIR. Five subsequent complaints lodged by the petitioners have not been acted upon by the police authority.

Placing reliance on the authority in ***Lalita Kumari vs. Government of Uttar Pradesh*** reported in **(2014) 2 Supreme Court Cases 1**, learned counsel submits that proceeding under Section 166 A of the Indian Penal Code ought to be initiated against the erring police officer who, in violation of the said judgment, has not registered FIR despite cognizable offences being made out in the complaints.

Learned counsel further submits that since the matter pertains to the organised crime, a specialised agency like the CID be given responsibility of investigation.

Learned counsel for the State submits that the FIR lodged before the Kulti police station has culminated in charge sheet upon completion of investigation. However, learned counsel for the petitioners submits that copy of the charge-sheet has not been made over to him.

Learned counsel for the State has not been able to apprise this Court about the subsequent complaints.

Since prima facie violation of the mandate of the Hon'ble Supreme Court in the authority in ***Lalita Kumari (supra)*** is found, the petitioners are at liberty to take necessary steps before the appropriate forum under Section 166 A of the Indian Penal Code.

In view of the law laid down by the Hon'ble Supreme Court in ***Aleque Padamsee and others vs. Union of India and others*** reported in ***(2007) 6 Supreme Court Cases 171***, the petitioners are at liberty to approach the jurisdictional Magistrate for redressal of their grievance. Since investigation with regard to five subsequent complaints is yet to commence, direction upon the CID to investigate the cases appears to be premature.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)