

25.03.2026
Sl. No. 27
Ct No. 5
SG

WPA 6725 of 2026

**Sk. Pir Mohammad
Vs
State of West Bengal & Ors.**

Mr. Biswarup Mukherjee,
Mr. Omar Faruk Gazi,
Mr. Tanumoy Kar,
Mr. Susmita Das.

...for the petitioner

Mr. Nilotpall Chatterjee,
Mr. Ananda Dulal Sarkar.

...for the State

Mr. Sreemoyee Mitra,
Mr. A. Singh.

...for PNB

Mr. Arindam Bandhyopadhyay,
Mr. Nilanjan Adhikary,
Ms. Susmita Deyashi.

...for respondent nos. 8 & 9

1. Matter is heard in presence of the learned advocates for the petitioner, State respondents, bank authorities and respondent nos. 8 and 9. Primary grievance of the petitioner is to register FIR based on the complaint lodged by the petitioner before the concerned police authorities.

2. It is submitted that some of the properties of the petitioner are subject matter of proceeding pending before the Debts Recovery Tribunal. According to the petitioner by taking advantage of pendency of the proceeding before the Debts Recovery Tribunal and auction sale made in favour of the respondent nos. 8 and 9 they are causing

damage to the residential property of the petitioner which is not part of the proceeding before the Debts Recovery Tribunal. Petitioner prays for direction upon the police authorities to protect the properties of the petitioner which is not part of the proceeding pending before the Debts Recovery Tribunal.

3. Learned advocate representing the respondent nos. 8 and 9 has disputed the submissions made on behalf of the petitioner and it is submitted that respondent nos. 8 and 9 being auction purchaser has a right over the property which they have purchased but they are not causing any damage to other properties of the petitioner.

4. On behalf of the State respondents one communication dated 25.03.2026 of Inspector-in-Charge, Panchla Police Station, Howrah Rural District is filed and the same is taken record.

5. It is disclosed in the communication dated 25.03.2026 that based on the complaint of the petitioner a criminal prosecution being Panchla P.S. Case No. 371 of 2025 dated 15.11.2025 was initiated under certain provisions of BNS. As per the communication dated 25.03.2026 investigating officer took certain steps and obtained two documents, namely, sale certificate issued to respondent no. 8 by Punjab National Bank dated 30.07.2025 and the document in support of handing over schedule property to said respondent no. 8 by the bank

authorities dated 06.11.2025. It is also disclosed in the communication dated 25.03.2026 that in spite of taking steps by the police authorities on registering FIR, identical complaint was filed again by the petitioner on 13.03.2026.

6. On behalf of the respondent authorities it is also submitted today that in connection with one of such complaints a writ petition is pending before this Court being WPA 25650 of 2025.

7. From the respective submissions made on behalf of the parties and on perusal of the communication dated 25.03.2026, it appears that based on one of the complaints FIR has already been registered by the concerned police authorities and a criminal prosecution was initiated being Panchla P.S. Case No. 371 of 2025 dated 15.11.2025 and investigating officer is taking steps to conclude the same. At this stage no further direction with regard to the steps taken by the police authorities is warranted except a direction upon the concerned police authorities to take the investigation to logical conclusion.

8. However, another submission is made on behalf of the petitioner that respondent nos. 8 and 9 are causing damage to the property of the petitioner which is not part of the proceeding pending before the Debts Recovery Tribunal. Petitioner shall be at liberty to approach the Debts Recovery Tribunal in pursuit of remedy.

9. With the aforesaid observations, writ petition stands disposed of.

10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Saugata Bhattacharyya, J.)