

Court No. 24
14.09.2020
(Item No. 17)
(SB / S. Banerjee)

W.P.A. 6657 of 2020
(Old No. W.P. 6657 (W) of 2020)
CAN 1 of 2020
(Old No. CAN 5512 of 2020)
Md. Abul Hossain @ Hussain
Vs.
State of West Bengal & Ors.
(Through Video Conference)

Mr. Uttam Kumar Mazumder
Mr. Bhaskar Seth

... For the petitioner

Mr. Pantu Deb Roy
Mr. Anand Farmania

... For the State

Mr. Apurba Kumar Ghosh

.... For Respondent Nos. 7 & 8

C.A.N. 1 of 2020 (Old No. 5512 of 2020) is disposed
by taking up the writ petition for consideration.

Petitioner complains of police inaction.

Learned counsel for the petitioner submits that
the son of the petitioner is the licensee under the
respondent no. 7. The respondent nos. 7 and 8
assaulted the petitioner. They broke the gate and
disconnected the water supply to the portion occupied
by the petitioner. The private respondents removed the
water pumps also. Police are inactive on the complaint.

The private respondents and the State are
represented.

Learned counsel for the State submits that the
disputes between the parties are civil in nature. Police
enquired into the matter and lodged a general diary.

Learned counsel for the private respondents
submits that the writ petitioner is not the licensee.

On instructions he submits that the private respondents never disconnected the water supply of the writ petitioner. He draws the attention of the court to the fact that the private respondents terminated the leave and licence agreement. It is subsequent to termination of such leave and licence agreement that the writ petitioner made the complaint to the police and filed the writ petition.

In reply, the learned advocate for writ petitioner submits that the petitioner is the father of the licensee. The wife and the child of the licensee are residing at the premises. The petitioner is also residing thereat as the parent of the licensee.

In the facts of the present case, since the private respondents claim that water supply was not disconnected, the officer-in-charge of the local police station is requested to depute appropriate police personnel to ensure that the writ petition is in a position to receive water supply from the overhead tank. The writ petitioner is at liberty to undertake such plumbing and other works including installing a water pump at his costs and expense to ensure that the water supply reaches the overhead tank and to his portion.

Police will ensure that no breach of peace takes place when the writ petitioner undertakes such exercise.

The aforesaid direction is given wholly without prejudice to the contentions of the respective parties. Again wholly without prejudice to the rights of the parties the writ petitioner or the licensee will continue to pay the occupation charges month by month in terms of the leave and licence agreement to the private respondent no. 7 through the learned advocate on record of the respondent no. 7.

This payment of occupation charges will abide by the result of any proceeding that may be initiated by the private parties.

It is made clear that the Court did not decide the issue as to the licence or the inter se relationship between the private parties in any manner whatsoever. The private parties are at liberty to settle their disputes before the appropriate forum in accordance with law.

Since the court did not direct the parties to file affidavits, all allegations made in the writ petition are deemed to be denied.

W.P.A. 6657 of 2020 (Old No. W.P. 6657 (W) of 2020) is disposed of.

(Debangsu Basak, J.)