

SL. 01
19.11.2020.
m.b

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**W.P.A. 6834 of 2020
With
IA No. CAN 1 of 2020
(Old No. 5859 of 2020)**

(Through Video Conference)

**Sanjay Ganguly
-versus
The State of West Bengal & Ors.**

Mr. Diptangshu Basu,
Mr. Sachindranath Misra
...For the Petitioner

Mr. Subhabrata Dutta
...For the respondent

The present writ petition has been taken out by a landlord against his tenant in the garb of a writ petition against the police authorities. The petitioner submits that the private respondent has been sending harassing e-mails to the petitioner, making false and reckless allegations.

It is also alleged that a complaint was lodged in such regard with the police authorities. However, despite the private respondent having left the premises-in-question for a considerably long period, the private respondent was reinstated with the assistance of police.

Learned counsel for the petitioner further submits that Covid-19 protocol is not being maintained

by the private respondent as well as the police authorities, though the duty of the latter is to ensure that such protocol is maintained.

It is also submitted that an eviction notice has been issued by the petitioner against the private respondent in respect of the disputed premises.

Upon hearing both sides, it is evident that the present writ petition is not maintainable, since there is no prima facie evidence at all that the police is not taking any action on the petitioner's complaint or on the complaint, admittedly lodged by the private respondent, against the petitioner.

As regards the conduct of the private respondent, the question cannot be gone into either by a writ court or by the police authorities unless the same violate any law or fundamental right. In the event the private respondent is creating any mischief and/or violating any law, the police will undoubtedly take action on the complaint of the petitioner. On the other hand, in the event the petitioner is at fault, the police shall take appropriate action in terms of the complaint lodged by the private respondent.

However, a landlord-tenant dispute cannot be converted into a writ petition to invoke prerogative writ jurisdiction of this Court for the asking.

No occasion has arisen to entertain the present writ petition. Accordingly, WPA 6834 of 2020 is dismissed.

C.A.N. 1 of 2020 (old No. C.A.N. 5859 of 2020) is also disposed of accordingly.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied of, be made available to the petitioner, upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)