

18.09.2020

Court No. 05
Item No. 9
S. D.

**In the High Court at Calcutta
Civil appellate jurisdiction
(Via Video Conference)**

WPA 6926 of 2020
with
IA No : CAN 1 of 2020

Sushmita Das
Vs.
The State of West Bengal and ors.

Mr. Monojit Bhattacharyya
....for the petitioner.

Mr. Debabrata Saha Roy
Mr. Avik Ghatak
Mr. Neil Basu
....for the pvt. respondent no.6.

Mr. Subhabrata Dutta
....for the State.

The petitioner claims to be a tenant in respect of a portion of premises no. 61A, Kali Temple Road, Kolkata – 700 026.

The grievance of the petitioner is that the police authorities have not taken any steps in respect of a specific complaint made by the petitioner to that effect against the private respondent no. 6.

Mr. Saha Roy, the learned advocate appearing for the respondent no. 6 submits that Smt. Jayasree Halder, the person under whom the writ petitioner is claiming to be a tenant has transferred the property and delivered vacant possession thereof in favour of the private respondent no. 6. This fact is, however,

disputed by the learned advocate appearing for the petitioner.

Mr. Dutta learned advocate appearing for the State respondent submits that the dispute is a civil dispute and the police authorities have no role to play. He submitted that several proceedings both civil as well as writ petitions are pending. He prays for dismissal of the instant writ petition.

I have heard the submissions of the learned advocates appearing for the respective parties and have considered the materials placed on record.

The petitioner claims to be the tenant under Smt. Jayasree Halder and prays for an order directing the police authorities to put her in possession of the tenanted property. The writ petitioner for reasons best known to her has not impleaded the landlady as a party respondent in the instant writ petition. Moreover, the dispute as to whether the petitioner is a tenant or as to who is the owner of the property is a civil dispute and cannot be decided by this court sitting in a constitutional writ jurisdiction. The instant writ petition is devoid of any merit.

Accordingly, WPA 6926 of 2020 is dismissed, however, without any order as to costs. With the dismissal of the instant writ petition, CAN 1 of 2020 is also disposed of accordingly.

(Hiranmay Bhattacharyya, J.)

