

10/12/2020
Item No. 15
S. DE
Ct. 8

Through Video Conference

W.P.A. 10089 of 2020

Smt. Soma Chakraborty.

-Vs-

The State of West Bengal & Ors.

Mr. Nitai Chand Saha
Mr. Santanu Barik ... for the petitioner

Mr. Subhabrata Datta
Mr. Benazir Ahmed for the State

The petitioner has taken out the present writ petition for a direction upon the police authorities to ensure protection and preservation of the petitioner's accommodation comprised of a tin shed room inside a common verandah and common bath room at premises no.2, Aftab Mosque Lane, P.S. Alipore, Kolkata – 700027.

Learned counsel for the petitioner argues that the private respondents have been harassing the petitioner in several ways, for which criminal complaints had to be lodged.

It is thus submitted that the police authorities ought to be directed immediately to take steps with regard to the protection of the possession of the petitioner in respect of the premises in question.

Learned counsel appearing for the police authorities submits that a police case has already been registered on the complaint of the petitioner.

Upon hearing both sides and perusal of the materials on record, it is doubtful as to whether the declaration annexed to the present writ petition conferred a legal and valid right on the petitioner with respect to the suit premises.

Be that as it may, the right, title and interest of the petitioner in respect of the disputed premises can only be adjudicated by a competent Civil Court. As far as the prayer for protection and preservation of the petitioner's accommodation, made in the writ petition, is concerned, the same would be putting the cart before the horse since it will amount to adjudicating the right of the petitioner in respect of the said accommodation, which is beyond the charter of the writ court.

Accordingly, WPA 10089 of 2020 is dismissed.

No order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya,

J.)