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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6116 of 2021

Okila Banu & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Gopa Biswas,
Mr. Kabir Hassan
... For the petitioners.

Mr. Sk. Md. Galib,
Ms. Sujata Ghosh
... For the State.

Affidavit of service filed in Court today is
taken on record.

The petitioners say that they are tenants
under the respondent no.5. The respondents no.6 to
10 are the sons of respondent no.5. The petitioners
say that to evict the petitioners from the shop room
without due process of law, the respondent no.5 in
connivance with respondents no.6 to 10 have
adopted steps like causing physical assault, meeting
out threats to intimidate the petitioners so that the
petitioners are unable to open shop room and operate
their business which at the end may lead to the
petitioners vacating the shop room without being
evicted by due process of law.

So far as the tenancy dispute inter se
between the petitioners and the respondent no.5 is

concerned, this Court is not the appropriate forum for ventilating such grievances. The petitioners' remedy lies elsewhere and the petitioners should pursue the same.

So far as the allegation of physical assault, threat and intimidation said to have been done by the respondents no.5 to 10 are concerned, the petitioners complaint is required to be looked into by the police authorities to bring to a logical conclusion thereof by either filing a charge sheet in case of a cognizable offence being found or by filing a final report, if the allegation of the petitioners are not substantiated.

On behalf of the State, it is submitted that the police authorities have taken steps in the matter by initiating a proceeding under section 107 of the Code of Criminal Procedure 1973 (in short, Cr. P.C.) as against the private respondents after investigating into the matter pursuant to the petitioners' complaint. The police have also filed a report before the Magistrate concerned, in terms of an order passed in a proceeding under section 144 (2) of Cr.P.C. initiated by the petitioners. It is, therefore submitted on behalf of the State respondents that there is no inaction on the part of the police authorities.

It is the bounden duty of the police authorities to protect the life and property of a citizen

like the petitioners but at the same time the police authorities are not expected to guard a citizen round the clock for days together. The relief claimed by the petitioners for being protected to enable the petitioners to carry on business, therefor, cannot be granted by this Court in exercise of its writ jurisdiction. If the petitioners feel insecured in carrying their business, the petitioners can apply for deployment of police picket in accordance with law in an appropriate proceedings with regard to inaction in considering the complaints made by the petitioners. I find no inaction in view of the steps taken by the police authorities.

Nothing further survives to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)