

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

(Through Video Conference)

WPA 9465 of 2021

Shipra Sen @ Sipra Sen & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sandeep Prasad Shaw
... For the petitioners

The petitioners say that pursuant to the direction given in the order dated 3rd June, 2021, the petitioners have served notice through electronic mail upon the respondents. The respondents, however, remain unrepresented despite such notice. In such circumstances, the matter is taken up in their absence.

The petitioners say that their late father Madhusudan Biswas was the owner of a flat situate at Block – A-1, being Flat No.4/1 at Mandar Apartment, 58A, B.B. Chatterjee Road, Kasba, Kolkata – 700042 (hereinafter referred to as the “said flat”). After the death of their mother Kalyani Biswas, the petitioners are the joint owners of the said flat. The flat, according to the petitioners, was given on a leave and licence basis for 11 months to respondent no.5. The said respondent no.5, according to the petitioners, is a lawyer and despite the fact that leave and licence have come to an end by efflux

of time in 2017, is not vacating the said flat. The petitioners have demanded vacant possession from the respondent no.5 when the said respondent no.5 had allegedly threatened and abused the petitioners. The petitioners have made a complaint before the police authorities but the police authorities, according to the petitioners, have taken no steps in terms of the complaint.

The dispute between the petitioners on one hand and the respondent no.5 on the other in connection with the said flat is clearly civil dispute in nature. The police authorities have no role to play in getting the flat vacated. However, the complaint made by the petitioners as against the respondent no.5 alleging abusive language being used and threats being meted out has to be brought to a logical conclusion. The police authorities shall enquire about the incident complained of by the petitioners in their written complaint dated 17th February, 2021.

The respondent no.4, being the Officer-in-Charge, Kasba Police Station, shall, if not already done, make a general diary entry as to the petitioners complaint dated 17th February, 2021 and enquire as to the veracity and correctness of the allegations so made by the petitioners as against respondent no.5. On enquiry if the respondent no.4 finds that there is prima facie truth in the complaint made by the petitioners, the said respondent shall take

appropriate steps as permissible in law regarding the allegations of abuse and threats made by the petitioners as against the respondent no.5.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

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

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

(Arindam Mukherjee, J.)