

18.05.2021
(S/L-06)
Ct.-18
(Susanta)

(Via Video Conference)

W.P.A. 10499 of 2021

Debasish Mukherjee

-Vs-

The State of West Bengal & Ors.

Mr. Amitava Ghosh,

..... For the Petitioner.

Mr. Ashim Kumar Ganguly,

..... For the State respondents.

Mr. Ashim Kumar Ganguly, learned advocate,
appears on behalf of the State respondents.

A report of the Inspector-in-Charge, Serampore
Police Station, Hooghly is filed on behalf of the State
which is taken on record.

The petitioner is alleging that the respondent no.
5 under whom he was a tenant has forcefully driven
him out of the said tenanted room with the help of
some anti-social elements of the area.

The petitioner further alleges that the study
materials of her daughter, who is the student of
class XI, are lying in the said tenanted room but the
respondent no. 5 is not allowing him to take back
those materials as a result the education of the
daughter is being hampered.

The petitioner by the instant writ petition is
praying for a direction over the Inspector-in-Charge,
Serampore Police Station to initiate a appropriate

proceeding against the respondent no. 5 for obstructing the petitioner from taking out his personal belongings from the said tenanted room.

It appears from the letter of the learned advocate of the respondent no.5 dated May 3, 2021 being annexure "P-4" to the writ petition that in spite of the request of the respondent no.5, the petitioner did not turn up to take back his belongings from the said tenanted room.

It further appears from the police report that a criminal case being Serampore Police Station Case No. 417/15 dated September 3, 2015 under Sections 420/406 IPC of the Indian Penal Code is pending against the petitioner.

The respondent No. 5 as it appears from the aforesaid letter is willing to return the belongings of the petitioner which are lying in the tenanted room.

Therefore, the petitioner is always free to contact the respondent no. 5 for the purpose of taking back his belongings from the said tenanted room, if there be any.

The direction as prayed for under the aforesaid circumstances is not warranted.

W.P.A 10499 of 2021 is disposed of with the above observations without any order as to costs.

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

(Biswajit Basu, J.)