

15.07.2021.
Item no. 85.
Court No.13
ap

**W.P.A. No. 11087 of 2021
With
I.A. No. CAN 1 of 2021
(Through Video Conference)**

**Abheek Biswas & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Chinmoy Guha Thakurta,
Ms. Soumi Guha Thakurta,
Ms. Sompurna Chatterjee.

...For the petitioners.

Mr. Kishore Datta, Id. Advocate General,
Mr. Anirban Ray, Id. Government Pleader,
Mr. Paritosh Sinha,
Mr. Debasish Ghosh.

..For the State.

Mr. Arindam Sen,
Mr. Subhro Banik Chowdhury.

..For the respondent no.9.

Mr. Sabyasachi Chatterjee.

...For the Intervenor Kakali Ghosh.

Mr. Aniruddha Bhattacharyya.

...For the respondent nos.10 and 11.

Counsel for the petitioners submits that his clients were given possession of a shop-room by the original tenant. The landlord in respect of the said premises, is stated to be the mother of the petitioner no.2.

It is submitted that since after the last Assembly Election and because the petitioners were assisting one political party, the private respondents have prevented the petitioners from opening a shop-room and have also caused damage thereat. It is also submitted that the private respondents had tried to

snatch away the keys to the shop-room from the petitioners.

Counsel for the State, on instructions from the Beliaghata Police Station, that there is a long standing dispute between the petitioners and the private respondents, who may have had possessed the shop-room from the original tenant. He further submits that there are also disputes between the original landlord and the tenant.

It is informed by the Counsel for the intervenor that a Civil Suit pending between the parties being Title Suit No. 234 of 2021 before the learned Civil Judge (Junior Division) 1st Court, Sealdah.

In that view of the matter, since the disputes are primarily civil in nature, the petitioners would have to establish their title or possession or rights in respect of the said shop-room before a Civil Court.

The Officer-in-charge, Beliaghata Police Station shall, however, ensure that there is no breach of peace in the said area and shall maintain a vigil over the said property.

With the aforesaid directions, the instant writ petition shall stand disposed of.

In view of disposal of the main writ application, the connected application being CAN 1 of 2021 shall also stand disposed of.

Officer-in-charge, Beliaghata Police Station has submitted a report dated 12th July, 2021 in the form of instructions to the learned Counsel appearing on behalf of the State. The same is taken on record.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(*Rajasekhar Mantha, J.*)