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April 7,
2021

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 9833 of 2020

**Umesh Chandra Rai and another
Versus
The State of West Bengal and others**

Mr. Ranjit Singh.

...for the petitioners.

Mr. N.C. Bihani,

Mrs. Papiya Banerjee Bihani.

...for the State.

Supplementary affidavit filed by the petitioners
today be kept on record.

The grievance of the petitioners is manifold.
Primarily, it is alleged that, despite the subsistence of
an order by a competent authority for the husband
(since deceased) of respondent no.4 to vacate, the
respondent no.4 is not vacating such premises, which
is adjacent to the residence of the petitioners. That
apart, it is alleged, the respondent nos.4 to 6 have
been creating nuisance against the petitioners by
various acts, regarding which complaints were lodged
with the appropriate authorities.

Learned advocate for the petitioners submits that the police have not taken any action on such complaints, despite the son of the petitioners having been hurt by respondent no.4.

Such allegations are controverted by learned counsel appearing for the respondent-authorities, who files a report in Court today indicating that the complaints of the petitioner no.1 did not disclose any cognizable offence. As such, no FIR was registered, but the police undertook an enquiry. On the complaint lodged by respondent no.4, since cognizable offences were disclosed therein, the police registered a First Information Report and have already submitted charge-sheet upon completion of investigation.

Learned advocate-on-record for the respondent-authorities shall serve a copy of the report filed in Court today, which is kept on record, to his counterpart appearing for the petitioners during the course of the day.

It appears from the allegations and counter-allegations that the premise of the relief sought by the petitioners is that respondent no.4 is illegally occupying the premises adjacent to the petitioners. However, the petitioners have no *locus standi* to raise a grievance regarding the authorities not

implementing such order of vacating the premises occupied by the respondent no.4.

That apart, I am sufficiently satisfied by the averments made in the report filed in Court today that the police have already taken appropriate action on the complaints of the petitioners. Since no cognizable offence was disclosed therein, there arises no question of having registered an FIR.

In the light of the above observations, WPA 9833 of 2020 is disposed of by granting the petitioners liberty to approach the police authorities in the event further nuisance is created by respondent nos.4 to 6. In the event such approach is made, the police authorities shall take appropriate action thereon in accordance with law.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)