

S/L 52
8.6. 2022
Court. No. 19
sn

WPA 739 of 2022

Md. Nezamuddin Ansari
Vs.
The State of West Bengal & Ors.

Mr. Iqbal Hussain ... for the Petitioner

Mr. Ansar Mandal
Ms. Sreelekha Bhattacharjee ... for the State.

Mr. S.K. Gupta ..for the respdts.6&7

The petitioner alleges inaction on the part of the Officer-in-Charge, Ekbalpore Police Station. It is alleged that investigation into the complaint lodged against the respondent nos.6&7, has not been done.

The petitioner is the father of the respondent no.6 and father-in-law of the respondent no.7. The petitioner and the said respondents were residing in a rented accommodation. The said rented accommodation is situated on the 2nd floor, of premises no. 3/H/16, Bhuikailash Road, Police Station Ekbalpore, Kolkata 700 023. According to the petitioner, the respondent nos. 6&7 had physically assaulted the petitioner and had driven the petitioner out of the rented house.

Mr. Gupta, learned advocate for the respondent nos. 6&7 submits that the petitioner had assaulted the said respondents. A complaint was lodged before the concerned police station and a charge sheet has been

filed against the petitioner upon conclusion of the investigation. He further submits that the respondent nos. 6&7 have not driven out the petitioner.

Upon perusal of the records and pleadings, it appears that a suit for eviction of licensee had been filed by the petitioner on September 17, 2019 before the learned Civil Judge, Junior Division, 6th Court at Alipore. In view of the pendency of the suit, orders for eviction, as prayed for by the petitioner, cannot be passed by the writ court. However, the petitioner who is senior citizen is entitled to reside in the rented accommodation. The petitioner will approach the concerned police station for assistance and the Officer-in-Charge, Ekbalpore Police Station shall put the petitioner back in possession of the rented accommodation. The parties must reside in the premises, peacefully. The police authorities shall keep a strict vigil, in order to ensure that the parties do not act contrary to law.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)