

30.8.2022
Sl.No.559
sn

WPA 1326 of 2022

Ajoy Kumar Daw
Vs.
The State of West Bengal & Ors.

Mr. Sajal Kumar Ghosh
..for the petitioner
Mr. Ansar Mondal
Mr. Sougata Mitra
..for the State

Despite four attempts to serve the respondent no.5, the respondent no.5 was not found at his residence. The postal articles have come back with the endorsement '4 days, door locked'.

The petitioner has made a complaint before the Officer-in-Charge, Sheoraphuli Police Station. It is the contention of the petitioner that during the pandemic, the landlord created a lot of disturbances in respect of the petitioner's tenancy. The go-down was sealed and a gate was installed. The petitioner prayed for removal of the gate by the police and also for a direction upon the police authorities to open the go-down.

It appears that there are existing disputes between the petitioner and the respondent no.5, who is allegedly the landlord. The petitioner deposits the rent before the learned Rent Controller.

Under such circumstances, this Court cannot direct the police authorities to remove the gate in

front of the go-down and allow the petitioner to open the go-down and continue with the business. Such direction would be a declaration of the right of the tenancy. The proper course of action of the petitioner, would be to approach the appropriate forum for necessary orders with regard to the alleged tenancy and protection of his rights.

The police authorities shall keep a vigil and ensure that the peace is maintained.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)