

30.06.2022
Sl. No.185
srm

W.P.A. No. 2364 of 2022

Sri Shivam Jaiswal

Versus

The State of West Bengal & Ors.

Mr. Anirban Trivedi,
Mr. S.M. Ismail

...for the Petitioner.

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar

...for the State-respondents.

Despite service, none appears on behalf of the respondent No.5. Affidavit-of-service is taken on record.

Upon perusal of the prayers in the writ petition, the Court is of the view that the writ petition cannot be entertained. Prayer(a) is for a direction upon the police authorities to initiate an investigation and to take steps for recovery of possession of the ground floor of the premises from the respondent No.5. Prayer(b) is for production of relevant documents and records and prayer(c) is a prayer for an ad interim order upon the respondent No.5 to deliver possession of the premises to the petitioner in terms of an agreement.

According to the petitioner, Rs.6,00,000/- was paid to the respondent No.5 to ensure that the said respondent

vacated the premises. The respondent No.5 did not vacate the premises. Hence the petitioner lodged a complaint upon the police authorities for taking forceful possession of the premises by evicting the respondent No.5. As the police authorities did not take any steps, the writ petition has been filed, with the aforementioned prayers.

Perused the police report. It appears that an enquiry was conducted by the police authorities and it was found that the property belonged to one Jamuna Prasad Shaw. After demise of Jamuna Prasad Shaw, his three sons and one daughter acquired 1/4th share each in respect of the property. One of the heirs (son) of Jamuna transferred his portion to Shivam Jaiswal, the petitioner herein. Further enquiry revealed that there were three tenants in the property. Smt. Rukmani Jaiswal, who is the daughter of Jamuna Prasad Shaw, is residing in the ground floor of the premises and has been running a business therefrom, since long. The other tenants had vacated the premises. The respondent No.5, whom the petitioner seeks to evict, according to the police report, had also handed over the tenancy to the husband of Smt. Rukmani Jaiswal. The police report is taken on record.

Under such circumstances, nothing remains to be decided in the writ petition. The prayers of the petitioner are

to be adjudicated in a civil suit. The allegation of police inaction, has not been substantiated.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)