

10.06.2022
Sl. No.49
srm

W.P.A. No. 3829 of 2022

Sila Saha

Versus

The State of West Bengal & Ors.

Mr. P.K. Das,
Mr. Subrata Mukherjee

...for the Petitioner.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu

...for the State-respondents.

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

The writ petition has been filed alleging inaction on the part of the Officer-in-Charge, Pragati Maidan Police Station. The allegation is that the respondent No.5 had forced the petitioner to sign some documents and enter into an agreement to sale of a flat situated at 95/C-3, Canal South Road, First Floor, Post Office-Dhapa, Police Station-Pragati Maidan, Kolkata-700105. The petitioner alleges that initially the said respondent was inducted as a licensee by the husband of the petitioner under a leave and licence agreement at a monthly rent of Rs.9,000/-. The petitioner claims to have accepted such rent amount, but denies that any agreement for sale of the flat in question, had been entered into between the parties.

When the petitioner and her daughter visited the flat and asked the respondent No.5 to vacate the premises, upon expiry of the leave and licence agreement, it is alleged that the respondent No.5 misbehaved with the petitioner and her daughter and threatened them with dire consequences. Accordingly, a complaint was filed before the Pragati Maidan Police Station.

The police authorities have submitted a report. It appears that the respondent No.5 was a licensee. The respondent No.5 continues to be in possession. The dispute is over the alleged flat and refusal of the respondent No.5 to vacate the same. The police report is taken on record.

Having heard the rival contentions of the respective parties, this Court is of the view that the eviction of the respondent No.5, who was a licensee, has to be decided by the civil court and the police authorities cannot assume the function of the civil court. With regard to the alleged agreement for sale which was relied upon by the respondent No.5 and payment of Rs. 1,00,000 to the petitioner, the petitioner is at liberty to approach the appropriate forum for necessary orders.

However, the police authorities shall ensure that if in future, the respondent No.5 threatens the petitioner and her daughter either physically or over telephone, the police authorities shall take adequate steps in accordance with law.

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.)