

S/L 29
24.6.2022
Court. No. 19
sn

WPA 10204 of 2022

Anup Kumar Maity
Vs.
The State of West Bengal & Ors.

Mr. P. Kundu
Ms. S. Saha
Mr. S. Das ..for the petitioner

Mr.L.M. Mahata
Mr.Rudranil De ..for the State

Mr. Debasis Sur
Mr. A. Patra
Mr. H.S. Paul ..for the pvt.respdts.

This writ petition has been filed alleging overt act on the part of the police authorities. It is alleged that in collusion with the respondent no.10, the police has locked the shop room, of which, the petitioner claims to be a tenant. Such contention is denied by the respondent no.10 and also by the police authorities.

The respondent no.10 submits that he did not put a padlock on the door of the shop room. It is also submitted by the respondent no.10 that the petitioner was never a tenant and did not have any right to the property.

It is the specific case of the respondent no.10 and the police authorities that neither had affixed the padlock, but the fact that the shop is in a locked condition is available from the police report. Under such circumstances, the lock shall be opened by the police authorities, within a week.

The right of the respondent no.10 to remove the petitioner shall be decided by the appropriate forum, but the petitioner who was allegedly in occupation of the shop room, cannot be forcefully evicted either by the police or by the respondent no.10, even if, the petitioner is not in lawful possession of the shop room.

Moreover, the petitioner had moved this Court for an order upon the respondent no.10 restraining him from interfering with the petitioner's business. Such order was not passed by this Court on the ground that the dispute was civil in nature. Likewise, this Court is of the view that the respondent no.10, who claims to be the rightful owner of the property, cannot evict the petitioner except in accordance with law.

Parties are at liberty to approach the Civil Court. The investigation, that was carried out, on the basis of the complaint of the petitioner, against the respondent no.10 has been concluded and final report has been submitted.

The petitioner is at liberty to approach the civil court for further orders. The respondent no.10 is at liberty to take steps in accordance with law.

The police authority shall ensure that the parties maintain peace and tranquility.

The police report is taken on record.

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.)