

S/L 10
26.07.2022
Court. No. 19
GB

WPA 10453 of 2022

Sri Kartick Santra
VS
The State of West Bengal & Ors.

Mr. Gopal Mondal.

...for the Petitioners.

*Mr. Amitesh Banerjee,
Mr. Suddhadev Adak.*

...for the State.

*Mr. Rabindra Kumar Mitra,
Mr. Sourjya Das.*

...for the Respondent No.7.

The petitioner alleges that the respondent no.7 tried to grab the factory premises of the petitioner, situated at 45/5/H/6, Indra Biswas Road. Despite complaints, the police did not take steps. The allegation is that, the respondent no.7 and his men and associates had continuously caused disturbance to the petitioner and obstructed his business. Accordingly, proceedings were also initiated before the learned Executive Magistrate, Sealdah and an order was passed directing the police authorities to see that no breach of peace took place and no wrongful acts were done, in the scheduled premises.

The learned advocate for the respondent no.7 submits that the said respondent was the owner of the said property. That the petitioner did not have any right over the said factory premises. That the petitioner did not annex any documents, which would show that the petitioner has any trade licence from the appropriate authority, to run the factory. No documents of title and ownership have been produced.

The police authorities submit that the proceedings had already been initiated before the learned Executive Magistrate and the learned Executive Magistrate had directed that the police must ensure that there was no breach of peace.

Under such circumstances, in view of the rival contentions of the parties, this Court is not in a position to ascertain whether the petitioner is in actual physical possession of the factory premises and whether any business is run from the said premises. Thus, the police authorities are only directed to maintain peace and tranquillity as directed by the learned Executive Magistrate, in order to avoid any untoward incident. The question of ownership of the factory, right of the petitioner, etc., are not decided in this proceeding.

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.)