

27.06.2022

Sl. No.61

ss

W.P.A. 10548 of 2022

Sukdeb Barik & anr.

Vs.

The State of West Bengal & ors.

Mr. Mahammad Mahmud

... for the petitioners

Mr. Jayanta Samanta

Mr. Benazir Ahamed

...for the State

Mr. Asis Bhattacharyya

...for respondent No. 5

The petitioners allege that the police authorities of Shibpur Police Station have not taken any action on the basis of the complaint filed by the petitioners.

It is submitted by the police authorities that on June 1, 2022 as also on June 7, 2022, two complaints were filed by the petitioners on the selfsame issue. On the basis of the complaint dated June 1, 2022, Shibpur Police Station case No.164 of 2022 dated June 1, 2022 under Sections 341, 323, 506 and 34 of the Indian Penal Code was started. Investigation is in progress.

Thus, this Court is of the view that such investigation must be reached to its logical conclusion, in accordance with law, with expedition.

As both the complaints relate to the selfsame offence, the aforesaid investigation will cover the subsequent complaint as well.

The respondent No. 5 being a co-owners submits that the tenanted portion of the petitioners, which was originally let out to the petitioners, has not been disturbed. The tenancy agreement, which has been annexed to the writ petition, is disputed by the said respondent.

Under such circumstances, when there is a dispute with regard to the extent of the tenancy and the nature of the tenancy, the Writ Court cannot direct the police authorities to ensure recovery of possession.

The petitioners are at liberty to approach the civil court for declaration of their tenancy rights.

With the above observations, this writ petition is disposed of.

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

(Shampa Sarkar, J.)