

26.07.2022
Sl. No.17(SL)
srm

W.P.A. No. 11057 of 2022

Smt. Manju Naskar

Versus

The State of West Bengal & Ors.

Mr. Subrata Mukhopadhyay

...for the Petitioner.

Mr. Asish Kumar Guha,

Mr. Naren Ghosh Dastidar

...for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.6 to 12. Affidavit-of-service is taken on record.

It is alleged by the petitioner that the respondent Nos.8 to 12 have been disturbing the possession of the petitioner, in the premises situated at Biplabi Surya Sen Street, under the Khardah Police Station. The allegation is that the said respondents are trying to disconnect the electricity and the water supply connection, so that the petitioner may not enjoy the property, peacefully. The complaint was lodged before the concerned police station and it is alleged that the police authorities have not taken appropriate steps.

The police report is taken on record. It appears that the petitioner is a tenant under the respondent Nos.7 to 12. There is a long standing dispute with regard to such tenancy. One Mohan Naskar was the tenant at a monthly rent of Rs.10/-. After demise of Mohan Naskar, his son Babul Naskar (husband of the petitioner) used to reside in the tenanted property. He used to pay a monthly rent of Rs.70/-. Lastly, the petitioner started paying Rs.210/- as the monthly rent. When the landlords refused to accept the said rent, the petitioner started depositing the said rent before the Rent Controller. The petitioner was asked to vacate the premises. She refused to vacate the same, hence further dispute arose.

The police authorities have already submitted a report to that effect before the learned Executive Magistrate, Barrackpore.

Under such circumstances, it is for the petitioner to get her right as a tenant adjudicated by the learned civil court. The dispute between the landlord and the tenant, cannot be decided by the police authorities. However, the police authorities shall ensure that peace and tranquility is maintained. With regard to the allegation of attempts at disconnection of electricity and water supply, the petitioner is at liberty to approach the appropriate forum.

The writ petition is disposed of without any orders, as prayed for.

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.)