

16.8.2022
Sl.No.409
sn

WPA 13802 of 2021

Bratati Chowdhury
Versus
The Officer-in-Charge, Memari Police Station & Ors.

Mr. A.G. Kar ...for the petitioner

Mr. P.K. Tarafdar ..for the respdts nos.5&6

Ms. Anwari Quraishi
Ms. Zainab Tahur ..for the State

The petitioner alleges inaction of the Office-in-charge, Memari Police Station. It is alleged that despite complaints dated October 17, 2020 and November 2, 2020, the police authorities have not taken any step to prevent the alleged unlawful activities which have been going on at plot no. 82/2025, holding no. 273/119, within Mouza Khanro, under Ward no. 3, Memari municipality, Police Station Memari.

It is the contention of the petitioner that one Prasanta Kumar Ghatak was a tenant in respect of the said premises. After his death, some persons unlawfully entered into the said premises and have been disturbing the petitioner's right and interest to the property.

The petitioner further alleges that the respondent nos. 5&6 have been continuing an illicit relationship. It is submitted that they are

trespassers and the police must ensure that they vacate the premises.

The learned advocate for the respondent nos. 5&6 submits that the husband of the respondent no.5 was a tenant. After his death, the respondent no.5 continued to be in possession. It is alleged that the petitioner has approached this Court to create an indirect pressure through the police upon the widow of the erstwhile tenant, so that she is forced to vacate the premises.

It is further alleged that the respondent no.6 is a caretaker of the premises and does not have any nexus with the respondent no.5.

The police report is taken on record.

It appears that when the respondent no.5 did not pay any heed to the petitioner's request to vacate the premises, the dispute arose. Apprehending breach of peace, the police authorities submitted prosecution against the respondent nos. 5&6 vide Memari P.S. N.C.R. No.601 of 2020 dated November 21, 2020 under Section 107/116(3) of the Code of Criminal Procedure. They have been directed to maintain peace in the locality. Whether the respondent no.5 is a trespasser or whether she can continue with the tenancy after the demise of her husband, are matters to be decided by the civil court.

The issue of a relationship between the respondent nos. 5&6 are not open for adjudication either by this Court or by the police authorities. The police authorities shall ensure that peace is maintained.

This writ petition is disposed of without any orders.

The police authorities have already submitted a prosecution against the respondent nos.5&6. The police authorities will keep a vigil and ensure that no

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.)