

05.08.2022
Court No.19
Monthly List
Item No.78
AP

WPA 13439 of 2022

**Smt. Sujata Ganguly and Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Krishnendu Bhattacharya
Ms. Shalini Bairagi
Mr. Priyankar Ganguly

... For the Petitioner.

Mr. Somnath Ganguli
Mr. Rajaram Banerjee

... For the State.

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee

... For the respondent Nos.6 to 15 and 18 to 21.

Mr. J.K. Mandal

... For the respondent Nos.16 to 17.

Affidavit of service filed in Court today is taken on record.

The petitioner alleges that taking advantage of their unsecured condition, the respondent Nos.6 to 21 have been continuously disturbing the peaceful possession of the petitioners in their rented accommodation situated within the jurisdiction of Uttarpara Police Station.

The petitioners' right as a tenant was upheld in Title suit No.166 of 2014. The suit was decreed against the erstwhile owner of the premises. The defendant was restrained by an order of permanent injunction from disturbing the peaceful possession of the petitioners.

Subsequently, the said premises were sold to respondent Nos.16 and 17. It is alleged that the respondent Nos.16 and 17 were trying to dispossess the petitioners by continuously disturbing them. The intention of the said respondents was to develop the property by engaging a promoter.

It is further alleged that the other respondents are neighbours and run a factory. They have also been continuously harassing the petitioners in various forms and manner.

Learned advocates for the respondent Nos.6 to 21 vehemently deny the allegations. According to them, the said respondents have been falsely implicated. None of the respondents had ever disturbed the petitioners.

Learned counsel for the State has produced a report dated 7th July 2022 before this Court, issued by the Inspector-in-Charge, Uttarpara Police Station, Chandannagar Police Commissionerate and the same is taken on record.

It appears from the report that on the complaint of the petitioners, Uttarpara Police Station Case No.211/2020 dated 20th July 2020 was registered. Upon completion of the said investigation, a charge sheet has been filed against one Gablu Saha and four others.

Again, on the complaint of the petitioners against their neighbours, Uttarpara Police Station Case No.196/2022 dated 6th June 2022 was registered against

respondent No.16 and eleven others. The investigation is in progress.

The police authorities visited the place of occurrence, drew a rough sketch map with the index, examined the complainant and other available witnesses, recorded their statements under Section 161 of the Code of Criminal Procedure and also seized the broken articles from the place of occurrence. The investigation is in progress. The accused persons were released on bail. There are counter allegations against the petitioners from the local persons as well.

This matter is disposed of with a direction upon the police authorities to complete the investigation with regard to the Uttarpara Police Station Case No.196/2022 in accordance with law and keep a strict vigil in order to avoid any other unlawful incident.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Shampa Sarkar, J.)