

S/L 114(ML)
17.08.2022
Court. No. 19
GB

WPA 14197 of 2022

Rajendra Prasad Sah
VS
The State of West Bengal & Ors.

Mr. Shah Jamal Hazra.

...for the Petitioner.

*Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das.*

...for the State.

Mr. Gupta Nath Prasad.

...for the Respondent No.3.

*Mr. Moloy Roy,
Mr. Azim Md. Sabir.*

...for the Respondent Nos.4 & 5.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner alleges inaction on the part of the Officer-in-Charge, Beniapukur Police Station. It is contended that the said police authority did not take any steps on the basis of the complaint lodged by the petitioner through speed post dated June 3, 2022. The petitioner alleges that the respondent nos.4 and 5 tried to dispossess the petitioner, who is in possession of a flat, situated on the 5th floor of Premises No.26A, Manoranjan Roy Chowdhury Road (North Range), Police Station – Beniapukur.

The learned advocate appearing on behalf of the respondent nos.4 and 5 specifically submits that the petitioner is not the rightful owner of the property in question and he denies the authenticity of the documents on the basis of which the petitioner claims title to the said property. He further submits that the disputes which have

been raised, are civil in nature and as such, the writ court should not entertain the writ petition.

The police authorities have filed a report. It appears that on receipt of the complaint of the petitioner, the police authorities visited the locale. The respondent no.3 is the brother of the petitioner. The respondent nos.4 and 5 asked the petitioner to vacate the premises on the strength of their title. The petitioner objected and there was a quarrel. During enquiry, it was found that the petitioner was in possession of the flat in question.

Although, the issue with regard to the right, title and interest of the parties in relation to the aforementioned flat, is a matter for adjudication by the civil court, this Court directs the police authorities to keep a vigil, in order to ensure that peace is maintained.

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.)