

122. 17.08.2022  
(ML) Ct. No.19  
Tanmoy

**W.P.A. 14326 of 2022**

**Abdul Halim Molla  
-Versus-  
The State of West Bengal & Ors.**

Mr. Kalyan Kumar Bhattacharjee, Adv.,  
Ms. Reshmi Khatun, Adv.

...for the petitioner.

Mr. Tapan Kumar Mukherjee, Ld. Sr. Adv.,  
Mr. Rajat Dutta, Adv.

...for the State respondents.

Affidavit of service is taken on record.

The petitioner alleges inaction on the part of the Inspector-in-Charge of Falta police station. It is specifically contended by the petitioner that on December 30, 2020, the respondent nos. 6 to 8, damaged a portion of the shop of the petitioner. It is alleged that the respondents had been continuously harassing the father of the petitioner from running their business from the alleged shop room. After the death of the father, the petitioner has been obstructed.

The police report is taken on record. It appears that the father of the petitioner was a tenant in respect of the shop room. He expired two years ago. After his demise, the petitioner started running the stationery shop.

The respondent nos. 6 to 8 raised strong objection. The respondent nos. 6 to 8 claimed to be the owners of the same property. On the basis of the complaint lodged by the

petitioner over the incident of assault and vandalism which took place on October 6, 2019, Falta P.S. Case No.21/19 dated January 1, 2019 under Sections 341/323/325/379/427/506/34 of the Indian Penal Code was registered. After completion of the investigation, charge-sheet *vide* Falta P.S. CS No.200-19 dated November 29, 2019 under Sections 341/323/427/506/34 of the Indian Penal Code was submitted against the four (4) accused persons. The stationery shop is under lock and key.

It is a specific contention of the police authorities that the complaint/Annexure “P-4” to the writ petition was not received. However, a sharp vigil is being maintained so that peace and tranquility in the area are preserved.

Whether the petitioner is a tenant or rightful owner in respect of the property in question and whether the respondent nos. 6 to 8 have any right with regard to such property, are matters to be decided by the appropriate authority. Neither the writ Court, nor the police authority can decide the ownership or possession of the alleged shop room. However, the police authority shall keep a vigil in order to ensure that peace is maintained and further untoward incidents are avoided.

The writ petition being W.P.A. 14326 of 2022 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.)**