

25.8.2022
Sl.No.180
sn

WPA 15162 of 2022

**Shabana Naaz
Vs.
The State of West Bengal & Ors.**

**Mr. Sujit Bhunia
Mr. Bhaskar Hutait
..for the petitioner
Ms. Amrita Panja Moulick
..for the State**

The petitioner has alleged that the respondent nos. 5 to 13 have been disturbing the possession of petitioner in respect of the tenanted room in the ground floor of the premises situated at R-54/A/1, Masjid Talab Lane, Police Station Metiabruz, Kolkata 700 024.

Reliance has been placed on the complaint filed before the Officer-in-Charge, Metiabruz Police Station dated May 25, 2022. Further reliance has been placed on a demand of justice filed by the learned advocate for the petitioner dated June 10, 2022.

The police authority files a report.

The State respondents submit that on the complaint filed before the Officer-in-Charge, Metiabruz Police Station, the petitioner had stated that her driver was residing in the tenanted premises. Contrary to such submissions, the petitioner had taken an alternative plea in the writ petition, thereby, stating that the petitioner's possession was being disturbed.

The report further indicates that an enquiry was made by the police authorities and Metiabruz Police Station Case no. 102 of 2022 dated June 4, 2022 under Sections 506/114 of the Indian Penal Code had been registered. The investigation is in progress. The investigation reveals that the petitioner was a tenant in respect of two rooms and the driver was residing in the ground floor. The report also indicates that the tenancy was only for three months. The petitioner did not reside in the said tenanted premises. The petitioner and her family members were residing at Karbala Lane.

The police authorities are maintaining a vigil and have also submitted a prosecution under Section 107 of the Code of Criminal Procedure against the respondent nos. 10 to 13. Alternatively, the wife of the respondent no.12 filed a complaint before the police station against the husband of the petitioner. It was alleged that the husband of the petitioner had been entrusted with a sum of Rs. 6,50,000/- which was still lying with the recipient and was not returned. However, the wife of the respondent no.12 could not submit any documents in proof of such allegations.

Under such circumstances, nothing remains to be decided in this writ petition.

The investigation which has been initiated shall be reached to its logical conclusion, in accordance with law and the police authorities shall maintain peace.

The writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)