

05.09.2022
Court No.13
Item No.89
AP

WPA 16135 of 2022

**Azizur Rahaman Molla
Vs.
The State of West Bengal & Ors.**

Mr. Mukteswar Maity
Ms. Manika Sarkar

... For the Petitioner.

Mr. Raja Saha
Ms. Rupsha Chakraborty

... For the State.

The petitioner is aggrieved by the fact that the private respondents are locked the shop room in which the petitioner has stocked a lot of groceries.

The private respondents are stated to be the legal heirs of the original landlord, who do not recognize the petitioner as a tenant.

Learned counsel for the respondents submits that there is civil suit pending.

The petitioner relies upon an order of Executive Magistrate of Barasat (Sadar), North 24-Parganas who has directed the Eco Park Police Station to enquire into the matter.

The Eco Park Police has conducted an inspection and submitted a report that the shop room is, in fact, locked.

This Court is of the view that the proceedings before the Executive Magistrate under Section 133 of the CrPC cannot entitle the petitioner to break open a lock and access the shop room.

The petitioner's remedy to deal with the shop room and enjoy his property is under civil law and not the CrPC.

In that view of the matter, no relief can be granted to the petitioner in the instant proceedings.

With the aforesaid observations, the writ petition is dismissed.

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.

(Rajasekhar Mantha, J.)