

S/L 1  
04.07.2022  
Court. No. 19  
GB

WPA 18544 of 2021  
With  
CAN 1 of 2022  
(application not here)

Dashu Rajbhar & Anr.  
VS  
The State of West Bengal & Ors.

*Mr. Bidyut Kr. Halder,*  
*Mr. Indranil Halder.*

*...for the Petitioners.*

*Mr. Ansar Mondal,*  
*Ms. Sougata Mitra.*

*...for the State.*

*Mr. Rishav Singh.*

*...for the Respondent No.4.*

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

The petitioners submit that the respondent no.4 has  
been disturbing the petitioners' possession and enjoyment  
of the property situated at Premises No.72/1, Aurobinda  
Road, Salkia, Howrah.

It is submitted by Mr. Halder, learned advocate  
appearing on behalf of the petitioners that when the  
petitioners tried to erect the boundary wall, the respondent  
no.4 threatened the petitioners with dire consequences.  
Accordingly, a complaint was lodged before the Officer-in-  
Charge, Golabari Police Station, but the police authorities  
did not take any steps.

Mr. Singh, learned advocate appearing on behalf of  
the respondent no.4 denies the allegations. According to Mr.  
Singh, the husband of the respondent no.4 was a tenant in  
respect of a part of the premises under the petitioners. After

demise of her husband, the respondent no.4 continued to be in possession thereof. An eviction suit has been filed by the petitioners. The eviction suit is pending.

The petitioners had approached this Court for orders permitting disconnection of the water supply line of the tenant. The prayer for disconnection of the water supply was not considered by the Court. Another writ petition was filed by the petitioners for disconnection of the electric supply line granted by the CESC limited. This Court had disposed of the writ petitions without interference and directed the petitioners to approach the civil court in the pending eviction suit.

Mr. Singh further submits that after having failed to obtain orders for disconnection of the water supply and the electricity line, a third attempt has been made to create disturbance in the occupation of the respondent no.4 by resorting to the present application for police help.

These facts have not been pleaded in the writ petition by the petitioners. However, as the respondent no.4 categorically submits that the said respondent has not created any disturbance in the construction of any boundary wall, nothing further remains to be decided in this writ petition. The dispute is clearly between landlord and tenant and the parties shall reside in the premises peacefully and subject to the final decision of the civil court.

Accordingly, the writ petition along with the connected application are 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.)**