

23.08.2022
Court No. 19
Item 471 (ML)
CP

WPA No. 19149 of 2021

Mrs. Sarmistha Chanda
Vs.
The State of West Bengal & ors.

Mr. Abhimanyu Bannerjee
Mr. Arnab Saha
...for the petitioner.

Ms. Amrita Panja Moulick
...for the State.

Affidavit of service is taken on record.

It appears that there is a dispute with regard to disconnection of the water supply line at Premises No. 22, Ramesh Mitra Road, Police Station – Bhawanipur. The petitioner claims to be a lessee in respect of three rooms, one bath and privy, kitchen and verandah situated at the ground floor of the building. The allegation is that some of the occupants tried to break the iron gate and trespassed into the room and the compound and were claiming passage through the property, of which the petitioner is the lessee, to be a common passage. That the said occupants have allegedly been disturbing the repair work. It is the petitioner's own admission that there may be a family dispute with regard to the property in question.

This court finds that the dispute is with regard to the enjoyment of the property. There appears to be

rival claims to the property. It also appears that the water connection to the petitioner's premises was stopped. The petitioner approached the landlord, but to no avail.

Learned advocate for the State respondents submits that on the basis of the application filed by the petitioner under Section 156(3) of the Cr.P.C. before the learned Chief Judicial Magistrate, Alipore, and the order passed therein, Bhowanipore Police Station Case No. 265 dated November 18, 2021, under Sections 448/427/506/114/430 of the Indian Penal Code, has been initiated. The investigation is going on and it is the specific contention of the Officer-in-Charge, Bhowanipore Police Station that the same shall be concluded expeditiously.

Under such circumstances, nothing further remains to be decided in the writ petition in view of the specific report filed by the Officer-in-Charge, Bhowanipore Police Station. The police report is taken on record.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)