

S/L 343(ML)  
02.08.2022  
Court. No. 19  
GB

WPA 8614 of 2020

Sheonath Choudhary & Ors.  
VS  
The State of West Bengal & Ors.

*Mr. Ashis Kumar Chowdhury,  
Mr. Rajib Ghosh,  
Mr. Rohan Paul.*

*...for the Petitioners.*

*Mr. Raja Saha,  
Ms. Tanusri Chanda.*

*...for the State.*

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

The petitioners allege that the Officer-in-Charge, Noapara Police Station had failed and neglected to initiate an investigation on the basis of the complaint filed by them. The allegation is that the respondent nos.5 to 11 tried to dismantle and demolish the shop rooms of the petitioners, situated within Garulia Bazar. The petitioners apprehend that further untoward incident and acts of violence may occur, at the instance of the said respondents.

The Officer-in-Charge, Noapara Police Station has filed a report, from which it appears that there are allegations and counter-allegations by and between the parties. It appears that the petitioners were tenants under one Bikash Bandopadhyaya of Hatkhola, Telnipara, Hooghly. Bikash Bandopadhyaya was the landlord of the said bazar and the petitioners were the tenants in respect of the shops under the said person. The landlord had authorized one Lal Bahadur Singh (since deceased) to collect the rent from the shop

keepers and vendors of Garulia Bazar. After the demise of Lal Bahadur Singh, the respondent nos.5 to 11, who claim to his heirs and legal representatives, started collecting rents from the bazar. About 10-11 years ago the petitioners stopped paying the rent to the members of the Singh family. The petitioners wanted to repair their shops and the respondent nos.5 to 11 restrained them. Thus, disputes arose.

Under such circumstances, apprehending breach of peace, the police authorities have filed a prosecution under Section 107 of the Code of Criminal Procedure against both the parties. The police authorities are of the view that the allegations of burning down the shop rooms and forcefully demolishing the same, were not revealed during enquiry. Rather, it appeared that the dispute was with regard to the payment of rent to the agents of the landlord (alleged heirs of Lal Bahadur Singh).

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to maintain peace and tranquility and keep a vigil in order to ensure that no untoward incident takes place.

This order shall not be construed as an observation on the rights of the petitioners to continue in possession, allegedly without paying rents. The rights of the respondent nos.5 to 11 to claim rent has also not been decided in this proceeding. The rights of the respective parties have not been adjudicated in this proceeding.

Accordingly, the writ petition 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.)**