

16.05.2023.
Court No.13
Item No. 39
pk

W.P.A. No. 1588 of 2023

**Dipak Kumar Paul
Versus
The State of West Bengal & Ors.**

Mr. Prabir Maji

...For the petitioner.

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar

....For the State.

Mr. Debapratim Guha.
Ms. Anchita Sarkar

... For the respondent nos. 4, 5, 6 and 8.

Ms. Singdha Sha

... For the respondent no. 7.

1. The writ petitioner is aggrieved that in spite of his complaints dated 17.12.2022 and 18.12.2022, no complaint has been registered by the Police.
2. The private respondents are landlords and one of them is the son of another tenant. There was an incident of assault on the petitioner and his wife and sister-in-law by the landlord/respondent.
3. The landlord has been assaulted by the petitioner and his wife. On the basis of the landlord's complaint, FIR No. 1327 of 2022 has been registered by the Narendrapur Police Station.

4. Investigation has been completed in record time of about 15 days and the charge sheet has been filed against the petitioner and his wife.
5. The petitioner tenant has left after the FIR and police have sealed the tenanted premises.
6. The petitioner is living elsewhere now. The petitioner wants to take away his belongings from inside the tenanted portion. The Police shall open the lock and allow the writ petitioner to take away all his articles and belongings.
7. Narendrapur Police Station shall register FIR in respect of the petitioner's complaint dated 17.12.2022 and 18.12.2022 and commence investigation.
8. Investigation shall be completed within a period of two months from date and a final report be filed before the Jurisdictional Magistrate.
9. The writ petitioner has been illegally and unauthorisedly removed from the premises by the Police at the instance of the landlord.
10. If the landlord wants his premises back, he may file an appropriate eviction suit in accordance with law.
11. The Police shall reseal the tenanted premises after handing over the belongings of the writ petitioner to him and retain the keys and hand over the same in terms of a civil court decree or any agreement the parties may legally reach.

12. The writ petition is disposed of.
13. There will be no order as to costs.
14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)