

18.05.2023.
Court No.13
Item No. 31
ap

W.P.A. No. 2339 of 2023
Sri Prakash Jaiswal
Versus
Commissioner of Police, Bidhannagar Police
Commissionerate & Ors.

Mr. Saumyajit Ghosal,
Ms. Tanusree Swarnakar.

...For the petitioner.

Ms. Chaitali Bhattacharya,
Ms. Subhendu Roy Choudhury.

...For the State.

Mr. Soumik Ganguli,
Mr. Pritam Choudhury,
Mr. Abhishek Adhya,
Mr. Sayan Roy.

...For the respondent no.3.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner complains that Eco Park Police Station has not taken any steps pursuant to the directions of the learned Magistrate under Section 144(2) of the Code of Criminal Procedure.
3. The private respondent is represented through his Counsel.
4. Admittedly the petitioner claims to be a tenant under the private respondent. The private respondent landlord has filed a civil suit for eviction being Title Suit No. 345 of 2023 before the learned Civil Judge (Junior Division) 1st Court at Barasat.
5. The petitioner complains that he is not able to enter into his house because it has been locked. The

petitioner prays for a direction on the police to access his property.

6. This Court is of the view that the remedy sought by the petitioner against the private respondent no.3 is purely civil in nature. The petitioner may seek such remedies in either the pending civil suit or any other civil proceedings that he may institute in accordance with law.

7. The Officer-in-charge, Eco Park Police Station shall, however, ensure that there is no breach of peace in the area.

8. With the aforesaid directions, the instant writ petition shall stand disposed of.

9. There will be no order as to costs.

10. 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.)