

21.03.2023
Court No.13
Item No.372
pk

WPA 10548 of 2021

**Basudeb Khanra
Vs.
The State of West Bengal and Ors.**

Mr. Niladri Sekhar Ghosh
Mr. Sourov Mondal
Ms. Sampurna Chatterjee

... For the petitioner.

Mr. Arka Kumar Nag,
Mr. S. Banerjee

....For the State

Mr. Chandan Misra

....For the respondent no.5

The grievance of the petitioner is that he was beaten by Bagnan Police and forced to sign a letter/*muchlekha* of surrender of a premises that he was occupying as a tenant.

The letter is annexed to the writ petition with purported stamp/seal of the Bagnan Police Station. The parties have exchanged affidavits.

Counsel for the private respondent/landlord submits that there is a civil suit filed by the petitioner in respect of the property and the alleged surrender letter/*muchlekha* has become redundant.

Counsel for the State submits that certain proceedings may have been taken out against the then Officer-in-Charge, Bagnan Police Station.

Having heard the counsel for the parties, this Court is of the view that since the primary grievance of the petitioner of forcible involuntary surrender of his premises appears to have been addressed and the

tenancy dispute is pending decision in the civil suit, the conduct alleged against the Officer-in-Charge, Bagnan Police Station is all that remains to be considered.

In the above circumstances, unless the proceedings have already been drawn up and concluded, the Superintendent of Police, Howrah Rural shall cause an enquiry into the allegation against the then Officer-in-Charge, Bagnan Police Station, who is state to have facilitated and compelled the execution of the letter of surrender/muchlekha of the tenanted premises of the petitioner.

For the purpose of aforesaid enquiry, the petitioner and the private respondents and/or any interested person may be summoned by the concerned Superintendent of Police.

Let a copy of the final result/decision in the proceedings be made available to the petitioner.

With the aforesaid observations, WPA 10548 of 2021 is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)