

13.02.2023.
Court No.13
Item No. 19
pk

W.P.A. No. 9919 of 2022
Sri Raj Kapoor Jaiswal and another
Versus
The State of West Bengal & Ors.

Mr. Argha Baneree,
Mr. Netai Chandr Saha,
Mr. Abhijit Chandra Majumder
...For the petitioners.

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The writ petitioners purchased the particular property in the year 2021. On one portion of the ground floor of the property-in-question, there is a beauty parlour run by the respondent no. 9 for 23 years. They claim to be a tenant of one Amiya Kumar Banerjee, who purchased the said property from one Devendra Baid. The petitioners purchased the entire property from one Padam Kumar Muklania and Seema Muklania.

On the receipt of the petitioners' complaint, Karaya Police made enquiries and found the allegation of immoral activity in the beauty parlour not to have been established. No complaints have ever been received by the police in that regard till date.

The petitioners also complain of unauthorised construction in the building which is pending with the KMC.

It is submitted by the counsel for the respondent no. 9 that proceedings under Section 401 were initiated in respect of the ground floor of the said premises and the unauthorised construction has since

been regularised with condition. The petitioners have filed W. P. A. No. 22366 of 2022 in this regard which has been disposed of. The petitioners have filed an appeal against the order of the Single Judge before a Division Bench of this Court.

Having regard to the facts and circumstances of the case and report of the Karaya Police dated 09.02.2023, this Court is of the view that the dispute between the petitioner and the private respondents is purely civil in nature. The Police have absolutely no role to play in the matter except to comply with order of the Division Bench or the KMC.

The writ petition is disposed of.

There will be no order as to costs.

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.)