

17.07.2023

rpan/08

WPA 14508 of 2023

Sri Tarun Shaw

– Versus –

The State of West Bengal & Others

Mr. Atanu Basu,

Mr. Indranuj Butta,

Mr. Bikram Basak

... for the Petitioner.

Ms. Ipsita Banerjee,

Mr. Tarak Karan

... for the State.

Mr. Niladri Banerjee,

Mr. Deepankar Thakur

... for the Respondent no.6.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

This is an application under Article 226 of the Constitution of India *inter alia* praying for direction upon the police authorities to take appropriate steps in accordance with law in respect of written complaints of the petitioner dated 1st June, 2023 and 9th June, 2023 and to protect the life and the property of the petitioner situated at Municipal Premises No.286, Basanta Lal Saha Road, Police Station - Behala, Kolkata Municipal Corporation, Ward no.116, Kolkata – 700 041.

Report filed on behalf of the State is taken on record.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of a portion of the property in question. He has mutated and recorded his name in respect of the said

property. Subsequently, a title suit was filed in respect of the said property. Finally a compromise *solenama* was executed in the same where the husband of the private respondent no.5 was also a party. This forms part of the decree that was passed. In spite of this, the private respondents have been creating disturbance of late. Complaints were made to the police authorities, but they have failed to take any step.

Learned Counsel appearing for the private respondent no.6 submits as follows. The private respondents deny having created any disturbance. They are the tenants of the said property since 1984.

Learned counsel for the State files a report and submits as follows. In the complaints made by the petitioner there is hardly any cognizable offence that has been spelt out. So there is no question of registering any FIR. The other prayer of dispossessing the private respondents cannot be entertained by the police authorities. For this the petitioner has to approach the civil court. However, G.D. has been lodged in this regard.

I have heard the submissions made of behalf of the parties and have perused the writ petition and the report filed on behalf of the State.

It appears that the petitioner's prime grievance relates to a civil dispute regarding property.

It does not appear that a cognizable case is made out in the complaints filed by the petitioner and the police authorities are hardly empowered with to deal with the issue of dispossession of tenants.

Therefore, I do not find any reason to pass an order in respect of the prayers made in the writ petition.

Accordingly, the writ petition is disposed of without costs.

However, the respondent authorities shall maintain peace at the locale and see that no order of a competent court is violated.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Jay Sengupta, J.)