

30.01.2023.
Court No.13
Item No. 520
ap

W.P.A. No. 16618 of 2021

**Mithu Pal
Versus
The State of West Bengal & Ors.**

Mr. Arnab Sinha,
Mr. Amartya Basu,
Mr. Argha Sinha.

...For the petitioner.

Ms. Sibangi Chattopadhyay.

...For the respondent nos.8 & 9.

Affidavit-of-service filed in Court today be taken on record.

The petitioner claims that the private respondents are harassing her by forcibly entering into the third floor of the premises. The private respondents are occupying the first and second floors of the said premises and there are some disputes as regards the status of the private respondents.

The Officer-in-charge, Baranagar Police Station, Barrackpore Police Commissionerate has filed a report which indicates that the private respondents are at best the licensees introduced by the petitioner's late husband and the promoter of the property in question.

On the complaint of the petitioner, Baranagar Police Station has registered an FIR being No. 403 of 2021 dated 04.08.2021 and have completed the investigation and filed Charge-sheet being No. 423 of 2021 dated 29.11.2021 against the private respondents.

Counsel for the private respondents submits that eviction suit being Title Suit No. 138 of 2021 filed before the learned Civil Judge (Junior Division), Bidhannagar, North 24 Parganas and Title Suit No. 264 of 2017 filed before the learned Civil Judge (Junior Division) 3rd Court at Sealdah, are pending.

In that view of the matter, this Court does not find any inaction on the part of Baranagar Police Station. The petitioner may take out appropriate civil proceedings against the private respondents to ascertain any rights against them in accordance with law.

With the aforesaid directions, the instant writ petition shall stand 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.)