

September 1, 2023
AD 8
Court No.14
SG

WPA 17744 of 2023

Aparesh Mukherjee
vs.
The State of West Bengal and others

Mr. Gopal Mondal
... for the petitioner

Mr. Ansar Mondal
Ms. Sujata Mukherjee
... for the State

Affidavit of service filed in Court is taken on record.

Despite service, no one appears for the private respondents.

A report filed by the State is also taken on record.

Learned counsel for the petitioner submits as follows. The petitioner has been a tenant for the last 70 years in the premises of respondent Nos.9 and 10. In 2023, the respondent Nos.9 and 10 sold the property to respondent Nos.11 and 12. Thereafter, the respondent Nos.11 and 12 had been torturing the petitioner and his family members so that they could dispossess them from the property. Police protection was sought, but denied.

Learned advocate for the State relies on the report and submits that this is purely a civil suit. Moreover, although the Shantipur Police Station is having jurisdiction, a complaint was lodged at the Ranaghat Police Station.

It appears that the petitioner's grievance arises out of a dispute of civil nature. However, it is also true that a landlord does not have a right to evict the tenant without the due process of law.

The police has a duty to protect the lives and properties of citizens.

Therefore, if any untoward incident takes place, it shall be open to the petitioner to intimate the same to the Shantipur Police Station, which shall take appropriate steps in accordance with law.

In the meantime the local authorities of Shantipur Police Station shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

With the aforesaid observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]