

12 02.08.2023
NB Ct. 14

WPA 17961 of 2023

Supti Addya
Vs.
The State of West Bengal & Ors.

Ms. Debopriya Mitra,
Mr. Supriyo Ghosh,
Ms. Susmikta Adhikary.
...for the petitioner.

Mr. Wasim Ahmed,
Sk. Md. Masud.
....for the State.

Mr. Nikhil Kr. Gupta,
Ms. Sabera Khatun.
...for the respondent nos.3 & 4.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially the respondent no.3 to act in terms of the written complaint made by the petitioner against the private respondent being respondent nos.4 and 5.

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an aged lady and the private respondent nos.4 and 5 are her youngest son and daughter-in-law. The petitioner's husband was a tenant for premises no.158/A, Ram Krishna Sarani, (Goala Para Road), Behala, Police Station-Parnashree, Kolkata-700060 for more than 35 years. It appears that she is staying there in

continuation of the same. Yet, on a particular day the respondent nos.4 and 5 with ulterior motive put a padlock on the gate of the premises so that the petitioner could not enter into the tenanted property. Despite intimation to the police, no assistance was rendered.

Learned counsel appearing on behalf of the private respondents submits as follows. The respondent nos.4 and 5 have nothing to do with the putting of padlock on the gate of the premises in question. They have not and they are not going to prevent the petitioner from entering the premises.

Learned counsel appearing on behalf of the State relies on the report and submits that this is a dispute between the family members.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that some one has caused mischief by putting a padlock on the gate of the tenanted premises of the petitioner. This does not even amount to taking possession. Therefore, if the petitioner wants to enter into such tenanted premises, she shall be at liberty to break open the padlock. The same may be done after giving notice to the Officer-in-Charge of the local police station and in the presence of some officers from the said police station. If such representation is made by the petitioner to the local police station, the same shall be acted upon at the earliest.

Since affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)