

WPA 21203 of 2023

Sradhananda Mishra
Vs.
The State of West Bengal & Ors.

Mr. Tanay Chakraborty,
Mr. Rajib Lochan Chakraborty,
Mr. Sumanta Ganguly,
Mr. Priyanjit Kundu.
..for the petitioner.

Mr. Suman Sengupta Sr. Govt. Adv.
Mr. Dip Basu Mallick.
...for the State.

Mr. Debajyoti Deb,
Mr. Shyamal Mondal,
Mr. Somdyuti Parekh.
..for the respondent nos.5,6&7.

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

Vakalatnama filed on behalf of the private respondents is also taken on record. Copies of allotment letter of the flat in question and some money receipts, as filed on behalf of them, are also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is aged about 76 years and wants to settle back in Kolkata after 2025. He is presently residing in Canada and has business interests in several countries. In order to take care of his flat in question in Kolkata, he had asked his former employee, the respondent no.5 to do the needful. Instead, the private respondents have withheld the keys and the original property documents. Despite demand,

they have not released the same. Police help was sought, but was denied.

Learned counsel appearing on behalf of the respondents submits as follows. There was a relationship between the petitioner and the respondent no.6, the mother of the respondent no.5 herein. In fact, the allotment letter for the said flat was issued in the joint names of the petitioner and the respondent no.5. Even if the petitioner is in possession, the private respondents could not be thrown out without the due process of law.

At this stage, learned counsel for the petitioner denies the allegation of a relationship between the petitioner and the respondent no.6.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. It appears that there is a civil dispute pending between the private parties. However, the police authorities are keeping a close watch on the developments.

If the private respondents have to be evicted from the flat in question, then the petitioner has to take recourse to the due process of law. There is nothing that the police would be able to do in this regard.

However, if the petitioner thinks that a cognizable offence has been made out in the alleged illegal retention of keys and purported documents, he shall be at liberty to act in terms of the directions passed in ***Aleque Padamsee's*** Case, (2007) 6 SCC 171.

No further order need be passed in this regard.

However, the respondent authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

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.)