

02.05.2023.
Court No.13
Item No. 326
ap

W.P.A. No. 22564 of 2022

**Md. Jamshed Khan
Versus
The State of West Bengal & Ors.**

Mr. Soumitra Deb.

...For the petitioner.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner complains that the private respondents, taking advantage of the pendency of civil and statutory proceedings, have forcefully evicted him from premises No.11/2/H/20, Maulana Ali Road, Police Station – Ekbalpore, Kolkata – 700 023.
3. The petitioner has complained to the Ekbalpore Police Station as well as the Commissioner of Police.
4. This Court is of the view that, in the facts and circumstances of the case, the petitioner should have approached the Magistrate under Section 156(3) of the Code of Criminal Procedure.
5. The police cannot restore possession to the petitioner. Hence, appropriate civil proceedings or counterclaim in the pending civil proceedings ought to be taken by the petitioner.
6. With leave reserved to the petitioner to avail the remedies, as indicated hereinabove, the instant writ

petition shall stand disposed of without any further order.

7. There will be no order as to costs.

8. 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.)