

12 30.11.2023
NB Ct. 14

WPA 22289 of 2023

Manik Das
Vs.
The State of West Bengal & Ors.

Mr. Arunava Ganguly.
...for the petitioner.

Mr. Bibek Jyoti Basu,
Ms. Kalpita Paul.
...for the State.

Mr. A. Bose.
...for the private respondents.

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.

Copies of documents like agreement of tenancy as filed by the private respondents are also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the shop in question. The private respondents are rank outsiders who had been threatening the petitioner and disturbing his possession and enjoyment of the property. Several complaints were lodged before the police, but no positive action was taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The private respondents had given the shop in tenancy to the petitioner for 10 years starting from the year 2008. In 2018, the tenancy expired. The private

respondents are in actual possession of the property and since 2019 are running their shops with trade licenses.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a long-standing dispute pending between the petitioner and the private respondents. On the complaint of the petitioner, an FIR was registered. Charge sheet was also submitted in the same. In respect of a more recent complaint, a proceeding has been initiated under Section 107 of the Code of Criminal Procedure.

It appears that there is a long-standing dispute pending between the private parties.

If any of the parties wants to establish any further right in respect of the said property, they shall be at liberty to do the same before the competent civil Court.

So far as the complaint of the petitioner before the police authorities are concerned, the police have already taken steps, first by filing an FIR and submitting a charge sheet on the same and thereafter, by instituting a proceeding under Section 107 of the Code of Criminal Procedure.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a civil Court is violated.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)