

24.03.2023.
Court No.13
Item No. 30
pk

W.P.A. No. 21099 of 2019

**Preview Financial Adv isory Pvt. Ltd. and others
Versus
The State of West Bengal & Ors.**

Mr. Kumar Jyoti Tewari,
Mr. Aniruddha Tewari.

...For the petitioners.

Mr. Subhabrata Datta,
Mr. Banibrata Datt

...For the State.

Supplementary affidavit filed in Court is taken on record.

The O. C., Dum Dum Police Station (Now Nager Bazar Police Station) has filed a report.

It appears that FIR No. 1054 of 2019 dated 24.11.2019 was registered on the petitioners' complaint. Investigation was conducted and Charge Sheet No. 227 of 2021 dated 28.02.2021 has been filed by the police. The daughter of the original respondent nos. 6 and 7 has received notice of the application. In respect of respondent nos. 8 and 9, the postal endorsement is returned indicating that no such persons exist.

There is prima facie evidence before this Court of offence having been committed by the private respondents.

Admittedly, three flats measuring about:- (i) 1062 sq. ft. on the second floor, (ii) 600 sq. ft. on the 1st floor

and (iii) 677 sq. ft. on the 4th floor, are absolutely owned by the writ petitioners. The flats on the first and fourth floor are occupied by the third parties. The flat on the second floor is vacant. An additional lock has been put on by the writ petitioners.

This Court directs the Nager Bazar Police Station to break open the padlock on the second floor flat and hand over possession of the same to the writ petitioners.

The writ petitioners may take out civil proceedings in respect of the rights as regards the flat units on the first and fourth floor.

It is expected that charge sheet is put to committal as expeditiously as possible and the trial commences.

The writ petition is disposed of.

There will be no order as to costs.

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.)