

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 23154 of 2023

Chandra Shekhar Singh

Vs.

The State of West Bengal & Ors.

Advocates for the petitioner : Mr. Joydip Banerjee,
Ms. Mousumi Banerjee.

Advocates for the State : Mr. Ansar Mandal Ld. AGP.,
Mr. Tapas Kr. Mandal.

Heard lastly on : 18.12.2023

Judgement on : 18.12.2023

Jay Sengupta, J:

1. This is an application alleging police inaction in respect of the complaint lodged by the petitioner and praying for protection of life and property.

2. Affidavit of service filed on behalf of the petitioner is taken on record. It appears that the respondent no.6, who was the erstwhile owner of the property, could not be served with notice.

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

4. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been a tenant at the premises in question for the last 25 years. Recently, the earlier owner namely, the respondent no.6 sold away the property along with tenants to the respondent nos. 7 and 8. Now, the respondent nos.7 and 8 are trying to physically and forcibly oust the petitioner from the tenanted premises. An application was made by the petitioner before the concerned learned Executive Magistrate under Section 144(2) of the Code of Criminal Procedure and a direction was passed to maintain peace pending disposal. The private respondents are disturbing the peaceful possession and enjoyment of the property by the petitioner. Even in the midst of night they would come and create chaos in front of the property. One day they broke open the padlock put by the petitioner at his property.

5. Learned Additional Government Pleader representing the State relies on the report and submits as follows. Some disputes exist between the private parties. On 08.07.2023, a chaos took place at the area and both sides became furious. Necessary step was undertaken to prevent breach of peace. The petitioner and the private respondent no.8 both were prosecuted under Section 107 of the Code of Criminal Procedure. The police are keeping a close watch on the developments in the locality.

6. It is claimed that the petitioner has been a tenant at the premises in question for the last 25 years. If such status is to be altered by anyone, the same has to be done in accordance with law.

7. It further appears that concerning an incident of July, 2023, a proceeding was initiated under Section 107 of the Code.

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

9. However, the police 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.

10. The surveillance shall include sending of frequent police patrols.

11. With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)