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01.12.2023
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Ct 14

WPA 23263 of 2023

M/S Mukherjee Construction & Co. & anr.

-vs-

The State of West Bengal & ors.

Ms. Salma Sultana Shah

....for the petitioners.

Mr. Suman Sengupta

Mr. Sambuddha Dutta

...for the State

Mr. Sumanta Das

...for the respondent nos. 4, 5

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners had taken a shop room on rent and had been carrying on their business at the said place. Due to intervention of Covid-19 pandemic and for certain other reasons, the business did not go on regularly. The private respondents who are not even the land owners had been trying to disturb the possession of the petitioners in respect of such property. On 10.03.2022, the private respondents and their associates forcibly dispossessed the petitioners from the said shop room. Several representations were subsequently made to the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the private

respondents submits as follows. The allegations made in the writ petition are denied. The petitioners had actually taken money from the private respondents for vacating the said land as they were unable to pay rent, but thereafter refused to do so.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Inquiry reveals that the dispute is at best a landlord tenant one. After a point, the petitioners were unable to pay the rent. However, on the complaint of the petitioners, a proceeding has been initiated under Section 107 of the Code of Criminal Procedure.

Admittedly, the petitioners were dispossessed from the shop room on 10.03.2022. If a person is dispossessed from a property, he has several reliefs to pursue either in terms of Section 145 of the Code of Criminal Procedure or before the Civil Court. The petitioners appear to have done none of this. It is necessary for a litigant to act with promptitude and without any laches. After more than one year, they have come before this Court alleging police inaction.

Such prayer cannot be entertained at this stage.

However, the petitioner shall be at liberty to explore the possibility of seeking any relief before the Civil Court.

It also appears that the police have acted by initiating a proceeding under Section 107 of the Code.

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

With these observations, the writ petition is disposed

of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)