

WPA 23349 of 2023

Smt. Kaberi Das

-vs-

The State of West Bengal & ors.

Mr. Sumanta Ganguly

Mr. Rajiv Lochan Chakraborty

Mr. Priyanjit Kundu

....for the petitioner

Mr. Asish Kumar Guha

Mr. Benazir Ahmed

...for the State

Mr. Saikat Chatterjee

Mr. Puranjan Pal

...for the respondent nos. 6, 8 & 9

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

It appears that one of the private respondents could not be reached. However, it is submitted on behalf of the petitioner that this is the same address at which service could be done in respect of a proceeding under Section 144 of the Code of Criminal Procedure.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner runs a business of dealing with bedding materials. She was a tenant under respondent no.9 the owner of the property. The owner wanted to have a building constructed in the said property. Accordingly, the petitioner, the owner and the developer being respondent

no.6 herein entered into a tripartite agreement. In the meantime, the son of the petitioner got acquainted with the respondent no.7 for the purpose of running another business at the said shop. Soon thereafter at the instance of the respondent nos. 6 and 9, the respondent nos. 7 and 8 started to disturb the possession and enjoyment of the property by the petitioner. The respondent nos. 6 and 9 seems to have gone back on their promise to give effect to the tripartite agreement.

Learned counsel appearing on behalf of the respondent nos. 6, 8 and 9 submits as follows. The allegations made in the writ petition are denied. The respondent no.7 is admittedly an acquaintance of the son of the petitioner. He has nothing to do with either owner or the promoter of the property. It would serve no purpose to the respondent nos. 6 and 9 to disturb the petitioner with whom they have themselves entered into an agreement.

Learned counsel for the State relies on the report and submits as follows. On the complaint of the petitioner, a proceeding has already been initiated under Section 107 of the Code of Criminal Procedure. The police are keeping a close watch at the developments in the locality.

If any of the private parties wants to establish a further right in respect of the property in question, the same has to be done before a Civil Court.

However, so far as the allegations of threats and disturbances are concerned, the police shall keep a sharp

vigil at the locale, ensure that no breach of peace takes place from any quarter. The surveillance of the petitioner shall include sending police patrols in the locality.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)