

19.01.2023
Court No.13
Item No.33
pk

WPA 24927 of 2022

**Arindam Sen
Vs.
The State of West Bengal & Ors.**

Md. Mokaram Hossain,
Mr. Sandipan Maity

... for the Petitioner.

Ms. Manali Biswas

... for the private respondents.

Affidavit of service filed in Court is taken on record.

The writ petitioner complains that despite having lawfully purchased the property-in-question and having obtained a lawfully sanctioned plan, the private respondents are obstructing the construction. The petitioner's plan may lapse. The petitioner has taken out proceeding under Section 144 of the Cr. P. C. before the concerned Magistrate.

The report of the police, which is taken on record, indicates that the private respondents are obstructing the petitioner.

Counsel for the private respondents submits that her client is a lawful tenant in respect of the portion of the said premises under the erstwhile owner. The said owner has without intimating the private respondents sold the property to the writ petitioner.

The writ petitioner wants to extinguish the tenancy-in-question.

Counsel for the private respondents claim that her client has filed civil suit against the writ petitioner being T. S. No.472 of 2022. The defendant is not a party in the said suit.

The petitioner may take steps in accordance with law either in the pending suit or any other proceeding that he may be advised in accordance with law.

The Police shall, however, enforce the order of the Magistrate subject to any order that may be passed by any Civil Court.

The writ petition is disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)