

24-04-2023
ct no. 13
Sl.15
pk

WPA 26636 of 2022

Suphal Debnath and another
-Versus-

The State of West Bengal & Ors.

Mr. Asit Kumar Bhattacharya
....for the petitioners
Ms. Sutapa Sanyal,
Mr. Anand Farmania
... for the State.

Mr. Sankar Prashad Dalapati,
Ms. Tanusree Ghosh
... for the respondent nos. 4 and 5.

1. Affidavit of service filed in Court is taken on record.
2. The petitioners are running a shop room inside an apartment complex. The apartment owners have put a padlock on the main gate of the apartment.
3. According to the private respondents, the petitioners have access to the shop room from another gate.
4. The Police have instituted proceedings under Sections 107/116 of the Cr. P. C.
5. This Court is of the view that the dispute between the petitioner and the private respondents and their mutual rights cannot be gone into either by the Police or the Writ Court.

6. The parties may take out appropriate civil proceedings to enforce any right against one and another.
7. The Sonarpur Police Station shall, however, ensure that there is no breach of peace in the area.
8. The writ petition is disposed of.
9. There will be no order as to costs.
4. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)