

29.02.2024
Sl. No. 16
Suman
Ct.No.238.

WPA 6960 of 2023

Girdhari Lal Verma
Vs.
The State of West Bengal and Ors.

Mr. Amrita Lal Dhar
..for the petitioner

Mr. Amal Kumar Sen, AGP
Mr. Lalmohan Basu
..for the State

The petitioner claims to be a tenant in respect of a shop room at 7, Hanspukur 1st Lane, Kolkata-700007. The petitioner filed a civil suit against respondent nos. 4 and 5 seeking a declaration with regard to tenancy right over the said shop room. He also prayed for necessary injunction orders. The Civil Court did not grant any ad-interim injunction and fixed a date for hearing the injunction application. The petitioner alleges that during pendency of the injunction application, respondent nos. 4 and 5 have demolished the shop room and taken away the valuables kept inside the shop room. He lodged a

complaint before the Posta Police Station on January 20, 2023.

The petitioner alleges police inaction in registering a criminal case following this complaint.

The report filed by the Officer-in-charge of Posta Police Station suggests that an inquiry was made by the police. The police found that a joint venture agreement had been entered into by and between the respondent nos. 4 and 5 to raise a construction over the said disputed premises. The shop room was demolished by them to raise a building following the agreement.

The nature of dispute between the parties is evidently civil in nature. The civil suit filed by the petitioner is pending.

Having regard to the aforesaid facts, I am not inclined to pass any order in this writ petition. However, I make it clear that if the petitioner obtains any order of injunction from the competent Civil Court, the Officer-in-charge, Posta Police Station shall take steps immediately to implement such order.

It is also desirable that the Civil Court shall hear out the pending injunction application of the petitioner, if any, as early as possible.

With the aforesaid observations, **WPA 6960 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)