

12-06-2024
Item No.16
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.10410 of 2023
Krishna Das Saha & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Syed Shahid Imam
Mr. Subhojit Seal
Md. Khairul
Md. Shahbazz Khan ...for the petitioners

Mr. Amitesh Banerjee, Sr. Standing Counsel
Mr. Suddhadev Adak ...for the State

Mr. Sabyasachi Mukherjee
Mr. Mrinmoy Nandy ...for private respondents

The petitioners claim that they are running a ration shop on the ground floor of 42, Market Street, Kolkata – 700 087. Allegation is that the private respondents are forcefully trying to encroach and dispossess the petitioners from the said shop room. Complaints were lodged before the concerned police station, but the petitioners allege that none of the complaints has been responded to by the police.

Learned advocate representing the private respondents denies the allegations of the petitioners. It has been submitted that the private respondents are not creating any disturbances in the running of ration business by the petitioners. It has been submitted that a partition suit initiated by the private respondents is pending consideration before the learned civil court.

No restraint order restraining the petitioners from

running their business from the subject shop room passed by the learned court below in the partition suit has been produced before this court.

Learned advocate representing the State relies upon a report forwarded by the Officer-in-Charge, New Market police station signed on May 1, 2023 wherefrom it appears that the police registered an FIR in response to the complaint lodged by the daughter of the private respondents being New Market P.S. Case No.86 dated April 17, 2023 under ss.341/323 IPC and that investigation of the said case is complete. The police admit receiving several complaints both from the petitioners and the private respondents.

It appears from the submission made on behalf of both the parties that the trouble arises from a civil dispute in between the parties. The parties are co-sharers of the subject property. A suit for partition is pending consideration.

In such a situation, the police shall ensure that there is no breach of peace to the life and property of the petitioners. As regards protection of civil rights, the parties will be at liberty to approach the competent civil court for relief. Complaints filed by the petitioners shall be duly taken care of by the police.

The writ petition stands disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

