

Item No.35

25.06.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 11128 of 2023
Gopal Jana @ Gopal Chandra Jana
v.

The State of West Bengal & Ors.

Mr. Ziaul Haque
... for the petitioner.

Mr. Susovan Sengupta
Mr. Subir Pal
... for the State.

The petitioner is aggrieved by the inaction on the part of the police to take steps in compliance of the direction passed by the learned Sub-Divisional Magistrate, Contai in a petition u/s. 144(2) CrPC on December 29, 2022 directing the IC, Contai to restrain the opposite party from interfering into the subject property and to arrange to vacate the property and hand over its keys to the petitioner at the earliest.

Learned advocate representing the police submits that being dissatisfied with the order passed by the learned Executive Magistrate, the private respondent filed a revisional application which is pending consideration.

The petitioner has also approached the Rent Controller under the West Bengal Premises Tenancy Act,

1997 vide Contai RC Case No. 02 of 2021 and the next date of hearing is July 22, 2024.

The Court has reservation with regard to the direction passed by the learned Sub-Divisional Magistrate u/s 144(2) CrPC for vacating the suit property and to hand over its keys to the petitioner.

The petitioner appears to have already approached the Court of the Rent Controller for relief.

The petitioner may take necessary steps before the Rent Controller.

The writ petition stands disposed of.

Report filed by the Inspector-in-Charge, Contai Police Station signed on June 24, 2024 is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)