

AD-22
Ct No.09
09.05.2024
TN

WPA No. 12907 of 2024

Debasis Mandal
Vs.
The State of West Bengal and others

Mr. Dilip Kumar Sinha

.... for the petitioner

Mr. Swapan Kr. Datta, Ld. AGP,
Mr. Dipankar Das Gupta

.... for the State

Mr. Syed E. Huda,
Mr. Sk. Aptabuddin,
Ms. Nabeela Akbar

.... for the respondent no. 6

- 1.** The petitioner is an 80% handicapped person. It is contended that in contravention of Section 7(4) of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as “the 2016 Act”), the respondent-authorities are not paying heed to the complaints of the petitioner against the private respondent, the latter having been allotted a plot by the petitioner for running a bus repair garage but not returning the same to the petitioner.
- 2.** Learned counsel for the State-respondent hands over a set of written instructions indicating that steps were sufficiently taken by the police authorities on three occasions. Moreover, a server copy of an order dated February 28, 2024 passed in WPA 5541 of 2024 by a co-ordinate Bench is also handed over, where a similar issue was raised by the petitioner, but against the

Tamluk Municipality, which was turned down by the co-ordinate Bench primarily on the premise that it was a civil dispute.

3. Learned counsel for the respondent no. 6 adopts the submissions of the State-respondent.
4. Learned counsel for the petitioner, in reply, submits that at least the police authorities ought to have taken steps against such abuse perpetrated against the petitioner, who is a physically handicapped person.
5. It transpires that Section 7(4) of the 2016 Act speaks about action to be taken by any police officer who receives a complaint or otherwise comes to know of *abuse, violence or exploitation* towards any person with disability.
6. However, in the present case, the entire premise of the representations given by the petitioner, be it to the Sub-Divisional Officer or the Police Officer, is totally on the allegation that the private respondent, by taking advantage of the petitioner's disability, is not returning the plot which was allotted by the petitioner to the private respondent, thereby grabbing the said plot.
7. As rightly pointed out by the respondents and held on a previous occasion on similar ground by the co-ordinate Bench, the issues pertain to a civil dispute between the petitioner and the private respondent. In the event the petitioner seeks to oust the private respondent from the plot-in-question, the only recourse available to the petitioner is to file a civil suit or other civil action before

the appropriate court/forum in accordance with law for getting an eviction of the private respondent in due course of law.

- 8.** However, I do not find any occasion to hold that the alleged non-return of the subject plot to the petitioner by the private respondent amounts to any “abuse, violence or exploitation” within the contemplation of the 2016 Act to justify any action to be taken on such premise.
- 9.** Accordingly, WPA No. 12907 of 2024 is disposed of by granting liberty to the petitioner to approach the appropriate civil court by instituting a proper proceeding for eviction of the private respondent in accordance with law. If so approached, the said civil court shall decide the suit in accordance with law upon giving adequate opportunity of hearing to all the parties without being influenced in any manner by the present refusal of the writ petition.
- 10.** The documents filed today be kept on record.
- 11.** There will be no order as to costs.
- 12.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)