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22.05.2024
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Ct 14

WPA 14421 of 2024

Parul Das & anr.
-vs-
The State of West Bengal & ors.

Ms. Sumita Sarkar

..for the petitioners

Mr. Ayan Bhattacharjee
Mr. Rajdeep Banerjee
Mr. Md. Zohaib Rauf
Mr. Prabhat Shaw

...for the respondents

Mr. Suman Sengupta
Ms. Amrita Panja Moulick
...for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The private respondents are tenants of the petitioner no.1. The petitioner no.2 is the daughter in law of the petitioner no.1. For some time, now the private respondents have been trying to grab the petitioners' property where they have been staying as tenants and which is adjacent to the petitioners' property. They have been disturbing the petitioners and even sexually harassing the petitioner no.2. All these were brought to the notice of the

police authorities, but no steps were taken. The private respondents are also trying to construct a permanent structure in the petitioners' land.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that the land is a vested one. So the petitioners have no right in the same.

Learned counsel for the State relies on the report and submits as follows. The dispute, if at all, is civil in nature. However, on the complaint of the petitioners, a proceeding was initiated under Section 107 of the Code. The police shall also file a report in the connected proceeding under Section 144 of the Code of Criminal Procedure. The dispute started when the petitioners wanted to increase the rent that the private respondents were paying.

Thus, the report is in contrast with the contentions of either the petitioners or the private respondents. None of the private parties have even referred to the issue of increasing rent.

Be that as it may, if the petitioners feel that a cognizable offence has actually been committed, they shall be at liberty to act in terms of *Aleque Padamsee's Case*, (2007) 6 SCC 171.

The police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

No further order need be passed in this regard.

With these observations, the writ petition is disposed

of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)