

WPA 23092 of 2024

Sandip Paul
vs.
State of West Bengal & Ors.

Mr. Pradip Kumar Kundu
.for the Petitioner

Mr. Swapan Banerjee
Mr. Soumen Chatterjee
...for the State
Mr. Atis Kumar Biswas
....for KMC

Mr. Saumyajit Ghosal
...for the respondent No. 7

The petitioner claims that his mother was a tenant in respect of a godown under the respondent No. 7. The petitioner further claims that his mother died on 24th November, 2022 and upon her death, the petitioner is a tenant in respect of the said godown in terms of Section 2(g) of the West Bengal Premises Tenancy Act, 1997. The petitioner claims to have deposited rent with the rent controller regularly till date. The petitioner claims to have renewed the trade licence from time to time and is in possession of a valid trade licence as on this date.

The petitioner alleges that the private respondent No. 7 demolished the said godown and took over forcible possession of the said godown and started construction of a multistoried building. The petitioner lodged a complaint with the Officer-in-Charge , Shyampukur Police Station by letter dated 14th October, 2023.

The learned advocate appearing for the petitioner submits that no steps have been taken by

the police authorities pursuant to the said complaint.

Learned advocate appearing for the private respondent submits that the mother of the petitioner herein surrendered the tenancy in favour of the seventh respondent. Possession was also delivered by the mother of the petitioner in accordance with law in the year 2006. He submits that the seventh respondent started construction of a multistoried building after obtaining a sanctioned building plan from the Kolkata Municipal Corporation on 12th October, 2022.

Learned advocate appearing for the petitioner submits that there is no document to show that the mother of the petitioner surrendered her tenancy in the year 2006. However, the dispute as to whether the mother of the petitioner surrendered her tenancy in favour of the seventh respondent is a disputed question of fact which cannot be decided by the writ court.

Mr. Banerjee, learned counsel appearing for the State files a report of the Inspector-in-Charge, Shyampukur Police Station dated 4th October, 2024 which is taken on record.

After going through the said report this Court finds that no decision on the complaint lodged by the petitioner dated 14th October, 2023 has been taken.

Since a complaint has been lodged, it is the duty of the police authorities to take steps in accordance with law.

Accordingly, this writ petition is disposed of by directing the Officer-in-Charge, Shayampukur Police Station to consider the representation of the petitioner dated 14th October, 2023 which is appearing at page 23 of the writ petition and after making necessary enquiries shall pass a reasoned order in accordance with law and communicate the same to the petitioner and the private respondent within a period of four weeks from the date of receipt of a server copy of this order.

It will be open to the Officer-in-Charge to give a hearing to the petitioner and the private respondent before passing the reasoned order.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)