

S/L 44
22.01.2024
Court No.14
SD

WPA 25095 of 2023

Md. Samiulla & Ors.
Vs.
The State of West Bengal & Ors.

Ms. Sreetama Biswas
Ms. Arya Bhattacharya

...for the Petitioners.

Ms. Jhuma Chakraborty
Ms. Arpita Mondal Adak

...for the State.

Mr. Agniswar Bhuniya

...for the Private Respondents.

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 petitioners are tenants under the private respondents. They are having a shop room at the said premises. The same is in a dilapidated condition and requires urgent repairs. Otherwise, anybody in the neighbourhood can get injured. The private respondents have not allowed the petitioner to do such repairs. The petitioners approached the learned Executive Magistrate who passed an order in their favour but the same could not be executed for apathy on the part of the police.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents have already filed eviction suit being T.S. 54 of 2015 pending before the learned Civil Judge (Junior Division), at

Barrackpore against the petitioners. The petitioners can fairly make an appropriate application before the learned Civil Court for necessary repairs.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A civil suit is pending between the private parties where the police can hardly intervene. One application was filed under Section 141 of the Code in the year 2019 and direction passed has already spent its force.

It appears that a civil dispute exists between the private parties. The private respondents have already filed an eviction suit against the petitioners. Therefore, the petitioners shall be at liberty to make appropriate prayers regarding repairs in the said premises before the learned Civil Court.

In the event any such urgent repairing is required which if not done, will injure a passerby, the petitioner shall be entitled to undertake such urgent repairs.

Therefore, no further need be passed in this regard.

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

With these observations, WPA 25095 of 2023 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.)