

D/L57
25.11.2024
Bpg.
ct.no.35

W.P.A.26507 of 2024

**Gobinda Naiya
Versus
The State of West Bengal & Ors.**

Ms. Pampa Dey Dhabal
Ms. Sangita Banerjee
Mr. Biswarup Chatterjee.
...for the petitioner.
Mr. Vimal Kumar Shahi
Mr. Sanatan Panja.
...for the State-respondents.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner apprehends that at the behest of the private respondent no.7 whose agent is threatening the petitioner, there is every possibility that the petitioner will not be able to carry on business and may be evicted from his shop. To that effect, information was furnished to the local police station. However, no steps have been taken by the local police station to ensure the peaceful possession of the petitioner to carry on his business.

Learned advocate appearing for the State has submitted a report. Report reflects that the police authorities have kept a strict vigil, drawn up proceedings against the private respondent no.7 under Section 126 of BNSS. Fact remains that the petitioner is in possession of the shop although there

is a claim on behalf of the respondent no.7 regarding the title and ownership of the said shop.

Be that as it may, as the report primarily reflects that the petitioner is carrying a sweet meat shop from the said shop room, if the petitioner is to be evicted, the same must be in accordance with the due process of law. Police authorities will ensure that no breach of peace takes place and/or any untoward incident stems up because of the dispute existing between the two parties in respect of the shop room referred to in the writ petition.

With the aforesaid observations, WPA 26507 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the learned advocate appearing for the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)