

April 26, 2024
AD 35
Ct. No.14
SG

WPA 26688 of 2023

Smt. Tinku Ghosh
vs.
The State of West Bengal and others

Mr. Sashwat Nayak
... for the petitioner

Mr. Asish Kumar Guha
Mr. Benazir Ahmed
... for the State

Mr. Sumanta Chakraborty
... for the respondent Nos.7 & 8

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned counsel for the petitioner submits as follows. The petitioner is the tenant of the respondent Nos.7 and 8. But, the private respondents have been harassing, intimidating and disturbing the petitioner's possession and enjoyment of the said property. The private respondents even tried to assault the petitioner. All these were reported to the police, but no steps were taken.

Learned counsel for the private respondents denies the allegations and submits as follows. The private respondents are mere trespassers who had been adversely possessing the property for the last 8 years. The private respondents have filed an ejectment suit. The petitioner has also filed a suit for declaration of tenancy. These suits are pending. The petitioner is trying to

support her case by instituting false proceedings including one under Section 144 of the Code and the suit.

Learned counsel for the State relies on the report and submits as follows. A civil dispute exists between the private parties. A report was submitted in the proceedings under Section 144 of the Code.

It appears that a dispute exists between the private parties in respect of the property in question. While the petitioner claims tenancy at the said premises, the private respondents have filed ejectment suit claiming the petitioner as a trespasser.

If any of the parties wants to establish any further right in respect of the subject matter or the property, the same has to be done before a civil court.

Therefore, no further order need be passed in this regard.

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

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Parties shall act on server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]

