

22
24.06.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 27720 of 2023

**Ashoke Kumar Das
-versus
The State of West Bengal & Ors.**

**Ms. Snigdha Saha.
...For the Petitioner.**

**Ms. Jayeeta Sinha,
Mr. Ranjit Rajak.
...For the State.**

**Mr. Indranil Nandi,
Mr. Sayak Konar.
...For the Respondent No.7.**

The petitioner complains that the police forcefully put a padlock on the tenanted premises of the petitioner at 25B, Madan Baral Lane, Bowbazar, Kolkata-700012.

Prayer has been made for returning the printing machine which is inside the tenanted premises.

From the documents annexed to the writ petition and upon hearing the submission made on behalf of all the parties, it appears that the property was taken on rent from the Administrator General and Official Trustee of the State of West Bengal (AGOT). A rent agreement was entered into in between the parties on 18th December, 2017 for a period of five years. The tenant did not have any right to sublet, assign or transfer to any person any part or whole of the

premises. The tenanted premises was to be used for residential purpose only.

The tenant being the petitioner herein sublet the property in favour of one Mrs. Mou Paswan in the year 2021 on receipt of Rs.7,00,000/- (Rupees seven lakh only) by him. A complaint against the petitioner was lodged by the AGOT before the police station pursuant to which FIR No. 317 dated 29th November, 2021 was registered.

The petitioner by a communication dated 7th September, 2022 admitted before the AGOT that he was doing business of printing from the said premises but the department forcefully put lock and key in the said room.

Learned advocate appearing on behalf of the AGOT has produced documents before this Court wherein the rent agreement between the petitioner and the said Mou Paswan has been annexed. The communication of Mou Paswan to the AGOT on 29th November, 2021 and the communication made by the wife of the petitioner to the AGOT on 7th December, 2021 are also annexed.

The AGOT took possession of the subject premises on 8th November, 2023. The compliance report mentions that Mou Paswan vacated the said room by removing all articles from the said room and the room was vacant and thereafter sealed by the police. The keys of the room are in the possession of the AGOT.

Report has also been filed by the Officer-in-Charge, Bowbazar Police Station signed on 29th April, 2024.

From the submissions made on behalf of the parties and from the documents placed before this Court, the allegation of the petitioner that the police forcefully put padlock on the tenanted premises appears to be absolutely false and incorrect. The room in question was handed over to AGOT and at the time of hand over the room was vacant.

The prayer of the petitioner for handing over of the printing machine, accordingly, cannot be allowed.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)