

D/L 26
20.01.2025
Bpg.
ct.no.35

W.P.A.576 of 2025

**Samir Kumar Das
Versus
The State of West Bengal & Ors.**

Mr. Ashis Kumar Chowdhury
Mr. Rajib Ghosh
Mr. Babhru Bahan Bera
Mr. Avisek Chatterjee.
...for the petitioner.

Mr. Ashim Kr. Ganguly
Mr. Bellal Shaikh.
...for the State-respondents.

Ms. Sudipa Biswas.
...for the respondent no.5.

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

Petitioner claims that he has been thrown
out by the landlord on 18.12.2024 after being
assaulted. Petitioner complained to the Officer-in-
Charge, Madhabdihi Police Station. However, no steps
have been taken.

Learned advocate appearing for the petitioner
has drawn the attention of the Court to the relevant
documents including the documents which he claims
to have been sent for the purposes of rent.

Learned advocate for the State-respondents has drawn the attention of the Court to the agreement and said that the dispute itself is landlord and tenant dispute for which the jurisdiction under Article 226 of the Constitution of India has been invoked.

Learned advocate for the respondent no.5 submits that landlord is presently in possession of the shop room which is the subject matter of the case.

I have considered the documents and I find that the electricity bills which have been enclosed are lastly of the months of March, April and May, 2023.

Having considered that the petitioner has made this complaint in respect of an incident on 18.12.2024 should have been corroborated with better particulars particularly the documentary evidence showing that he was in possession, I am of the view in such circumstances it is difficult for the police authorities for summarily interfering in a proceeding under Article 226 of the Constitution of India. However, the petitioner would be at liberty to approach the jurisdictional civil court for recovery of possession.

With the aforesaid observations, WPA 576 of 2025 is disposed of.

There will be no order as to costs.

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.)