

31.01.2025
Item No.79, DL
Court No.35
AJ.

**IN THE HIGH COURT AT CLACUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 1873 of 2025

Swapan Kumar Mandal

-Vs-

The State of West Bengal & Ors.

Mr. Aloke Chatterjee,
Mr. Rit Banerjee,
Mr. Arghya Mullick.
.....for the Petitioner.

Mr. Joydeep Banerjee,
Mr. Jaladhi Das.
.....for the State.

Mr. Mohammed Amin,
Mr. Narayan Das.
Mr. Ghulam Muztaba,
Ms. Mahjabeen.
Md. Iqbal.
.....for the respondent no.5.

Affidavit of service filed on behalf of the
petitioner be kept with the record.

The petitioner is aggrieved by the fact
that he is a tenant and whole of the property has
been demolished with all the machineries which
were there in his tenanted portion being
misappropriated.

On the other hand, learned Advocate for
the private respondent denies such contention
and submits that the petitioner was never a
tenant in respect of the suit property referred to
in the writ petition and as such the narratives
which have been created in the writ petition are
only for invoking the jurisdiction of the police
authorities.

The State has submitted a report. The report reflects that police authorities have registered Tala P.S. Case No.10 dated January 29, 2025 under the relevant provisions of BNS 2023 against the respondent nos.5 to 8.

Be that as it may, this Court will not decide regarding the title as to who is the landlord or who is the tenant, it is for the Civil Court to adjudicate the same.

As the police authorities have already set the law into its motion, the primary grievance of the petitioner seems to be addressed. If the petitioner is to seek any remedy regarding the machinery, appropriate application be made before the learned Magistrate in seisin of Tala P.S. Case No. 10 dated January 29, 2025.

With the above observations, WPA 1873 of 2025 is disposed of.

The report submitted by the State be kept with the record. Copy of the report be handed over to the learned Advocate appearing for the petitioner.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)