

Sl.No. 120 18.03.2025
Court No. 35
G.S.Das

WPA 23162 of 2023

Tapas Payra @ Tapas Kumar Payra
-Vs-
The State of West Bengal & Ors.

Mr. Ram Chandra Guchhait
... for the petitioner(s)
Mr. Manojit Pal
... for the respondent nos. 8 and 9

Mr. Somnath Ganguli
Ms. Priyamvada Singh
... for the State-respondent(s)

The petitioner made a representation with the Officer-in-charge of Ramnagar Police Station, Purba Medinipur on 25th April, 2023.

The main thrust of contentions is that although the petitioner is entitled to reside at the property but he has been thrown away by the private respondents. The petitioner, as such, requested the police authorities to take steps so that he can return to his residence as he has no other shelter.

State has submitted a report

which reflect that the police authorities on receipt of such information registered Ramnagar P.S. Case No. 299 of 2023 dated 14.05.2023 under the relevant provisions of law and on completion of investigation submitted Charge-sheet before the jurisdictional police station.

Subsequently, the police authorities also drew up a proceeding under Section 107 of the Cr.P.C.

Having considered that the police authorities at the relevant point of time have taken steps which were within their domain, I am of the view that the power exercised by the police authorities, at this stage, neither can be criticized nor can be interfered with.

So far as the issue relating to petitioner's entering into his residence or restoration of the possession is concerned, he will have to approach the jurisdictional civil court for appropriate remedies.

If the Civil Court passes any direction for rendering police assistance, the police authorities would, at that stage, be responsible for implementing such order.

As more than 23 months have passed since the representation was filed before the police authorities, I am of the view that the petitioner, at this stage, can only avail the remedy from the learned Civil Court in respect of restoration of his possession.

With the aforesaid observations, WPA 23162 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

