

23.
jdt. 08.12.2025
jb.

WPA 24595 of 2025
Ranu Sen
vs.
State of West Bengal & Ors.

Mr. Arijit Chatterjee
Ms. Pronita Paramanya Naskar
... For the Petitioner

Ziaul Haque
.... For the State

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
Ms. Deblina Ghosh
Mr. Sandip Ghosh
Mr. Partha Sarkar
.... For the Respondent no. 4

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner's brother, since deceased, was the owner of the premises in question. Due to his old age, he appointed a care giver to look after him. The care giver started residing in some portion of the house with his son (4th respondent) and other members of his family. After demise of the owner, the 4th respondent is claiming to be a tenant in respect of the property and is disturbing the peaceful possession of the petitioner who resides in a portion of the property. Civil suits filed by both the parties are pending. Prayer of the petitioner in the present application is three fold:-

First, to set aside/cancel the two police reports which record the private respondent to be a tenant of the property.

Second, direction upon the private respondent to ensure free egress and ingress of the petitioner and her family members through the passage on the ground floor leading to the stair case to the first floor by removing the unused utensils kept therein by him.

Third, to allow the petitioner free access to the only municipal water tap standing in the name of the petitioner in the ground floor of the property.

Denying the allegation, learned counsel for the private respondent submits that the private respondent is a tenant in respect of the property and has filed a suit before the civil Court for declaration of his tenancy right.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since civil suits filed by and between the parties are pending before the civil forum, the petitioner is at liberty to approach the civil forum with regard to his egress and ingress as well as free access to the municipal water tap in the premises. Also, this Court records that any observation made by the police authority in the two police reports dated 22nd August, 2024 and 28th October, 2024 shall have no bearing on the merits of the pending civil suits.

With the above observations and directions, the writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)