

07.02.2025
Court No. 35

Item No.20
Rakib

W.P.A. 29424 of 2024

Subir Das & Anr.
VS
The State of West Bengal & Ors.

Mr. Sanjib Chakrobarty,
Ms. Adity Mondal.
... for the Petitioners.

Mr. Subhankar Nag,
Mr. D. Basu Mallick,
Mr. Somnath Roy.
...for Respondent No.8.

Mr. Nilotpal Chatterjee,
Mr. Saptak Sanyal.
... for the State.

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

Mr. Chakrobarty, learned advocate appearing
for the petitioner has drawn the attention of the Court
that earlier there were direction of this Court to
produce the order of the District Magistrate in respect
of which the police authority proceeded to take action.

However, today State has submitted a report.
Report reflects that police authorities had no business
with the issue relating to possession but in respect of
the complaint dated 24.10.2024 which was received
by the police authorities on 26.10.2024, Digha PS
case no. 67/24 dated 25.10.2024 was registered for
investigation and the police authorities have already

submitted charge-sheet in connection with the said case before the jurisdictional criminal Court.

Petitioners allege that in a strategic manner the private respondents have dispossessed the petitioner where he was carrying on business.

Learned advocate appearing for the private respondent is present and submits that they had a right under the law and there was no illegal dispossession in respect of the property in issue. Referring to the complaint which has been submitted before the police authorities learned advocate for the private respondents submitted that a separate case has been developed in the writ petition which is contrary to the accusations made in the complaint.

Having considered the foundation of the writ petition which originates from the information furnished with the police authorities on 24.10.2024 (received by the police station on 26.10.2024) and the factum that the writ petition which has been filed is for recovery of possession, I am of the view that the prayer so advanced must be adjudicated by the appropriate Court concerned.

Police authorities, however would ensure that no untoward incident results because of the inimical relationship existing between the petitioner and the

private respondent in view of a criminal case already being registered.

With the aforesaid observations WPA 29424 of 2024 is disposed of.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)