

28.02.2025
Item No.9
Ct. No.35
dc.

W.P.A. 30379 of 2024

**Sri Raj Kumar Das
versus
The State of West Bengal & Ors.**

Mr. Sanjib Seth ... For the Petitioner.

Mr. Anand Farmania,
Mr. Indumouli Banerjee ... For the State.

Mr. Aritra Roychowdhury,
Mr. Shibasis Chatterjee,
Mr. Sandip Kundu ... For the Respondent Nos.4 to 6.

Report submitted by the learned advocate appearing for the State be kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and respondent nos. 4 to 6.

The petitioner complains that he has been thrown away from his shop premises and the same is in spite of the fact that he has entered into an agreement and he was there in the property carrying on his business for the last several years.

Learned advocate appearing for the private respondent nos. 4 to 6 submits that none of the private respondents has fixed padlock at the shop premises and they do not have any objection also, if the petitioner carries on his business from the said shop room, but what the petitioner was trying to do, was to raise construction which was objected by the private respondents. Learned advocate for the petitioner, on the other hand, submits that the

petitioner entered into an agreement with the previous land owners.

Be that as it may, this Court will not enter into the arena of right, title, interest, possession and occupation. It would be the absolute discretion of the civil court to deal with the same. However, if the petitioner intends to carry on his business and the private respondents have no objection, the petitioner would be at liberty to carry on his business. Any further issues in respect of the possession will be dealt with by the jurisdictional civil court in seisin of the matter.

For the time being, until and unless there is breach of the peace, police authorities are not required to interfere with the affairs complained of by the writ petitioner.

With the aforesaid observations, the writ petition being WPA 30379 of 2024 is disposed of.

There will be no order as to costs.

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.)