

**THE HIGH COURT OF TRIPURA
AGARTALA**

WP(C) NO.48 OF 2015

1. Rekha Khatun,
W/O Khurshid Alam.

2. Rozina Akhtar,
W/O Abu Khayer.

3. Ali Asab,
S/O Ali Hossain.

4. Khurshid Alam,
S/O Ali Hossain.

5. Lima Akhtar,
D/O Ali Asab.

6. Suriya Khatun,
W/O Ali Asab.

All are residents of Rahimpur,
P.S. Kalamchoura, Sonamura,
District-Sepahijala, Tripura.

..... *Petitioner s*

- *Vs* -

1. The Union of India,
Represented by the Department of Home,
North Block, Central Secretariat,
New Delhi-110001.

2. The Commandant B.S.F.
60th Battalion,
C/O 99 APO,
Head Quarter, Shalbagan,
Agartala, Tripura West-799012.

3. The State of Tripura,
Represented by the Department of Home,
New Capital Complex,
P.O. Kunjaban, Agartala,
West Tripura-799006.

4. The DM & Collector,
Government of Tripura,
Bishramganj, Sepahijala,
Tripura-799103.

5. The Officer In-charge,
Kalamchoura Police Station,
Boxanagar, Sonamura,
Sepahijala, Tripura-799115.

..... *Respondents*

BEFORE
HON'BLE MR. JUSTICE S.C. DAS

For the petitioners : Mr. D. Bhattacharji, Advocate

For respondent Nos.1 & 2 : Mr. P.K. Biswas, ASG

For respondent Nos.3 to 5 : Mr. T. Dutta Majumder, G.A.

Date of hearing and
delivery of judgment &
order : **13.02.2015**

Whether Fit for Reporting :

Yes	No
	✓

JUDGMENT & ORDER(ORAL)

Heard learned counsel, Mr. D. Bhattacharji for the petitioner.

2. Copy of the writ petition supplied to learned ASG, Mr. P.K. Biswas who has recorded appearance on behalf of respondent Nos.1 and 2. Similarly copy of the writ petition supplied to learned G.A., Mr. T. Dutta Majumder who has recorded appearance on behalf of respondent Nos.3 to 5.

3. By filing this writ petition the petitioner prayed for the following relief(s):

".....

iii. After hearing the parties be pleased to directing the Respondents and each of them to restore the possession of the Petitioners to their residence forthwith and to compensate the Petitioners to the tune of

Rs.15,00,000/-(Rupees fifteen lakhs) only for damaging the residences and the articles laying in the residence and to provide adequate security for their life.”

4. Learned counsel, Mr. Bhattacharji has submitted that it is a case of BSF atrocity in the house of innocent citizens and that the petitioner Nos.1 and 2 were assaulted by the BSF causing fracture injury.

5. It is contend by the petitioners that on 28.01.2015 at about 5.00 PM some miscreants entered into the house of petitioner No.3 and thereafter escaped through that house and soon thereafter some BSF personnel went to the house of petitioner No.3, enquired about the miscreants but when petitioner Nos.1 and 2 informed the BSF personnel that the miscreants fled away, the BSF personnel also went away but immediately thereafter they came to the house of petitioner Nos.1 and 2 and abused them with filthy language in Hindi to which when they raised protests, BSF personnel became aggressive and beaten up petitioner Nos.1 and 2 causing fracture injury. On their cry neighbouring people gathered and thereafter the BSF personnel left and in the meantime the BSF caused damage to the household goods of Ali Asab and also taken hens and ducks from the house of the petitioners. The petitioners are not in a position to reside in their house because of the fear of the BSF and therefore they filed the writ petition seeking the relief(s) as stated hereinabove.

6. There is no case that the petitioners have been evicted from their house by the BSF personnel or that the possession of the house has been taken away by the BSF. For any damage to the household articles, etc. evidence is required to be taken and without taking evidence damage cannot be ascertained. For the alleged injury sustained by the petitioners they will require to file an FIR and the matter would be investigated. Simply because there is a copy of discharge certificate it cannot be arrived at a conclusion that the injuries were caused by the BSF assault.

7. In the facts alleged, I find nothing to exercise the extraordinary power of this Court and hence the writ petition stands dismissed.

JUDGE