

24th December,
2020
(AK)
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W.P.A. 8222 of 2020

Gopabandhab Banerjee & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Sanchari Chakraborty

...For the Petitioners.

Despite service, none appears on behalf of the respondents.

Learned counsel for the petitioners submits that the petitioners are elderly people and are suffering harassment in the hands of members of a local club, who have been threatening the petitioners, giving rise to several complaints before the police on behalf of the petitioners.

Although a General Diary Entry was lodged on the complaint of the petitioners regarding such illegal activities of the members of the club, the petitioners seek police protection for fencing up their property, which is not being given by the police.

It appears that the petitioners have annexed documents which prima facie indicate the title of the petitioners in respect of the property-in-question.

However, it is beyond the jurisdiction of the writ court and/or the police to decide such right, title and interest of the petitioners in the property-in-question.

As such, no direction can be passed by the writ court for the police to assist the petitioners to demarcate the alleged boundary line of their property without there being a vindication of such right, title and interest for a competent civil court.

However, in the circumstances and considering the fact that petitioners are senior citizens and are under alleged threat, W.P.A No. 8222 of 2020 is disposed of by directing the respondent no. 3 to ensure that the possession of the petitioners in respect of the property-in-question is adequately protected.

In the event the petitioners approach the police authorities with specific complaints with regard to disturbance of such possession and enjoyment of their property, the police shall act expeditiously thereon and, upon proper enquiry, provide adequate protection to the petitioners in respect of the person and property of the petitioners.

It is made clear that the right, title and interest of the petitioners are not conclusively determined in this order. For deciding such issue, liberty is given to the petitioners, if necessary, to approach a competent civil court.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)