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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 137 of 2021
(Assigned)

Sambhu Nath Mondal
Vs.
The State of West Bengal & Ors.

Mr. Sumanta Chakraborty
... For the petitioner.

Affidavit of service filed in Court today is taken on record.

The matter was adjourned on 26th February, 2021 since the respondents remained unrepresented.

Even today, the respondents remain unrepresented though the affidavit of service reveals due service has been effected.

The petitioner says that on 28th May, 2020 at about 11.30 hours about 200 members of public unlawfully assembled, armed with lathi, brickbats etc., in front of the petitioner's residence, being 15, Garfa Mondalpara, PS – Garfa, Kolkata – 700078 (hereinafter referred to as the said premises). The said mob, in fact, injured the police personnel who had gone there to maintain law and order situation. The petitioner refers to an F.I.R. lodged by Ratan Kumar Saha, Sub-Inspector, Garfa Police Station, on 28th May, 2020, to demonstrate that Sambhunath Mondal and Namita Mondal, being the

petitioner and his wife were safely taken out from the said premises. A police case in respect of such incident has been initiated before the Court of learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas, on 18th June, 2020, in respect of Garfa Police Station Case No.207 dated 28th May, 2020. The petitioner says that the petitioner is out of his residence since 28th May, 2020 when the police had taken him out from his residence. The petitioner is apprehending threat to life in returning back to his residence or staying thereat. It is also an admitted position that the petitioner was taken out of his residence by police personnel as a rescue measure and it is also, therefor, the obligation of the police authority to see that the petitioner can safely return back to his residence and reside thereat.

In the facts and circumstances as aforesaid, I direct the Officer-in-Charge, Garfa Police Station, being the respondent no.5 to ensure that the petitioner can return to his residence at the said premises and resides thereat safely.

The petitioner is directed to be present before the respondent no.5 on 10th March, 2021 at 12.30 p.m. with a server copy of the instant order so that the said respondent no.5 can take necessary steps in terms of the direction given in the instant order.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of

without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)