

1st March,
2021
(AK)
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W.P.A. 3291 of 2020

Gobra Oraw
Vs.
The State of West Bengal & Ors.

Mr. Avishek Prasad
...For the Petitioner.

Sk. Md. Galib
Ms. Sujata Ghosh
...For the State.

The grievance of the petitioner, a senior citizen, is that despite having obtained a decree from a competent Civil Court against the private respondents and being put in possession of the land-in-question by virtue of execution of the decree, the private respondents have been perpetrating criminal acts of serious nature against the petitioner, thereby preventing the petitioner from cultivating such land.

Learned counsel further submits that, in spite of having approached several authorities, no steps are being taken on such complaint. The petitioner faces regular risk of life and limb due to the activities of the private respondents, it is alleged.

Learned counsel appearing for the State respondent submits that the police have already undertaken investigation on all the complaints of the petitioner lodged with the police authorities, apart from the complaint

dated November 25, 2019, regarding which there is no specific instruction available with learned counsel.

It appears from the police report filed in court today (which may be kept on record) that two of such complaints have resulted in prosecution being commenced. The said two cases are Hili P.S. Case no. 164 of 2018 dated December 27, 2018 and Hili P.S. Case No. 165 of 2018 dated December 27, 2018.

In view of the gravity of the allegations levelled by the petitioner, however, it appears that the petitioner also ought to be given police protection in the event further such acts are committed by the private respondents.

W.P.A. 3291 of 2020 is accordingly disposed of by directing respondent no.6 to immediately initiate, if not already initiated, appropriate enquiry/investigation on the complaint of the petitioner dated November 25, 2019, also annexed to the writ petition, and to make endeavour to complete such enquiry/investigation at the earliest.

The respondent no.6 shall also afford immediate protection to the petitioner by deploying appropriate forces, if necessary, in the event there is repetition of such criminal acts on the part of the part of the private respondents and/or their men and agents.

Petitioner is given liberty to approach the police authorities for such purpose. However, it is made clear that the merits of the allegations, which are sub-judice before a criminal court, have not been gone into by this

court and the concerned Magistrate will be free to proceed with the criminal trial independently on its own merits, without being prejudiced by any of the observations made herein.

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.)