

25.11.2021

Court No.13

Sl.22

pk

W.P.A. No. 14092 of 2021

**Mr. Murari Mohan Naskar
Versus
State of West Bengal & Ors.**

(Through Video Conference)

Mr. Rabi Sankar Chatterjee,
Mr. A. S. Das,
Mr. P. Chakraborty,
Mr. S. Bhattacharya,
Ms. Sangita Maity,
Ms. Chumki Chowdhuri

...for the petitioner.

Ms. Chama Mookherji,
Mr. Shayak Chakraborty

...for the State.

Mr. Chandra Sekhar Banerjee

... for the respondent no. 8

Affidavit of service filed in Court today be kept
with the record.

The writ petitioner complains that he has not
been able to enter his house since after election for
post poll violence. He seeks intervention of this Court
to ensure that he is able to live peacefully in his house.

Counsel for the State submits that the allegation
of the petitioner is wholly incorrect. It is submitted
that there is a longstanding dispute between the writ
petitioner and the private respondent nos. 5 to 9 in
connection with a piece of land. It is submitted that on
28th June, 2021, the petitioner has lodged a complaint
against the private respondents in the Mathurapur

Police Station. The private respondents have also lodged complaint with the said police station against the petitioner. Charge Sheet No. 132 of 2021 under Sections 509/324/325/506/34 of the Indian Penal Code has been submitted by Mathurapur Police Station. Similarly, on 8th July, 2021 charge sheet being Mathurapur Police Station Case no. 133 of 2021 has also been filed under Sections 447/323/354/379/427/506/34 of the Indian Penal Code.

This Court is of the view that irrespective of reason for which the petitioner is unable to enter his house, he is entitled to live thereat in peace. Mathurapur Police Station shall, therefore, escort the petitioner and his family members back into their house immediately. For the said purpose, the petitioner shall approach the Sonarpur Police Station on 30th November, 2021 at 11 a.m.

Parties may take exception to the charge sheets filed before the Jurisdictional Magistrate under the provisions of 173 of the Cr. P. C.

The Officer-in-Charge, Mathurapur Police Station shall maintain regular vigil in the locale where the petitioner resides and ensure that there is no breach of peace thereat.

Since no affidavit has been used by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

With the aforesaid directions, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)