

S/L 49
08.06.2022
Court. No. 19
GB

WPA 678 of 2022

Bidhan Ghosh
VS
The State of West Bengal & Ors.

Ms. Shikha P. Chowdhury.

...for the Petitioner.

*Mr. S.N. Mookherjee,
Mr. Anirban Ray,
Md. T.M. Siddiqui,
Mr. Nilotpall Chatterjee.*

...for the State.

*Mr. Rwitendra Banerjee,
Mr. Shibasis Chatterjee.*

...for the Respondent Nos.7 to 33.

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

It is the contention of the petitioner that after the assembly elections, the petitioner and his family members were displaced by the members of the ruling party as they belonged to a rival political party. It now transpires that the petitioner is in jail custody. The petitioner prays that his family members may be put back into possession, of his residential house.

The learned advocate for the respondent nos.7 to 33 deny the allegation of threat and displacement of the petitioner. It is submitted that they are local villagers and they have never tried to threaten or intimidate either the petitioner or his family members.

The police authorities have filed a report, from which it appears that the application for anticipatory bail, which was filed by the petitioner, was rejected. The petitioner thereafter surrendered before the learned Judicial

Magistrate, Sadar Hooghly and his prayer for bail, was rejected. The petitioner is in custody. The shop of the petitioner and the residential area were found under lock and key. It also appears from the police report that an altercation took place on May 4, 2021, between the petitioner and some of the residents of the village. FIRs have also been registered against some persons, who were involved in the quarrel. Charge-sheets have also been filed. The petitioner and his son are also accused in particular criminal cases.

However, the family members of the petitioner are entitled to enter into their residential house, peacefully and without any resistance.

Having heard the learned counsels for the respective parties, this Court is of the view that justice would be subserved if the writ petition is disposed of, by directing the Officer-in-Charge, Dhaniakhali Police Station, to put back the members of the family of the petitioner in possession of their residential house situated at village-Choutara, Post Office-Routhpur, Police Station-Dhaniakhali, without further delay. The family members of the petitioner shall identify themselves before the concerned Officer-in-Charge, Dhaniakhali Police Station, Hooghly, Rural Police District.

The pending criminal proceedings against the petitioner and his son and others, shall continue in accordance with law.

As no affidavits have been called for, the allegations are deemed to be denied.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)